

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05-11877-WGY

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AALAEELDIN KHIRAWI

Plaintiff

v.

GETRONICS WANG CO., LLC  
D/B/A GETRONICS

Defendants

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**PLAINTIFF, AALAEELDIN KHIRAWI'S OPPOSITION TO THE DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT**

NOW COMES the plaintiff, Aalaeldin Khirawi, and respectfully opposes the defendant 's Motion for Summary Judgment. As grounds for his opposition, Plaintiff states as follows:

The Court should deny the defendant's motion for summary judgment because the plaintiff has produced sufficient evidence to show that genuine issues of material fact exist. The plaintiff has produced sufficient evidence that 1) he engaged in protected activity; 2) Getronics subjected him to adverse employment action; 3) there was a causal connection between the protected activity and the adverse action; 4) there is direct evidence of Getronics's retaliatory motive behind its adverse actions; and 5) the defendant's articulated reason for its series of adverse actions and termination of the plaintiff was pretext for retaliation.

The plaintiff files his Memorandum in Support of his Opposition to Summary Judgment herewith, in further support of his opposition. The plaintiff also attaches Exhibits 1-48 to this opposition, in further support hereof.

WHEREFORE, the plaintiff respectfully seeks that the Court DENY the defendant's motion for summary judgment.

Respectfully submitted,  
For the plaintiff,

/s/ Sol J. Cohen  
\_\_\_\_\_  
Sol J. Cohen  
BBO # 630776  
COHEN & SALES  
43 Thorndike Street  
Cambridge, MA 02141  
(617) 621-1151

**CERTIFICATE OF SERVICE**

I, Sol J. Cohen, attorney for the plaintiff, Aalaeldin Khirawi hereby certify that on this 5<sup>th</sup> day of April, 2007, I filed this document through the Court's ECF system, and will be sent electronically to the registered participants who are counsel of record on this matter.

/s/ Sol J. Cohen  
Sol J. Cohen

# EXHIBIT 1



## APPRAISAL FORM

### 1. INDIVIDUAL DETAILS

Employee's Name	Employee Number	Business Unit
Aalaeldin Khirawi	69329	EMS
Manager's Name	Date Appraisal Conducted	Date Next Appraisal Due
Paul Galipeau	08/01	08/02

Rating Summary *(complete after the appraisal has been conducted)*  
 Overall Performance Rating (enter 1 2 **3** or 4)

### 2. INSTRUCTIONS

- Follow the prompts to rate the employee's performance against
  - Individual Objectives Section 3(A)
  - Corporate Values and Operating Competencies Section 3(B)
  - Overall Performance Section 3(C)
- Rate performance using a number from the following rating scale
  1. Less than acceptable or only marginally acceptable and should improve
  2. Meets all requirements and sometimes exceeds them
  3. Usually exceeds the requirements
  4. Always exceeds requirements and enhances Getronics performance
- Rate completely acceptable performance as '2'. When providing a higher or lower rating, make sure that the rating matches its description on the rating scale
- Enter the overall rating in the summary box (above)

#### IMPORTANT NOTE

This document contains guidelines for the successful implementation of effective employee performance management practices which Getronics may tailor or change as necessary. While they are designed to encourage a candid and comprehensive exchange of information, they do not constitute contractual commitments that the exchange will occur or will occur in the precise format described. These materials do not constitute a contract of employment for a specific period of time. Rather, they are offered as guides to help managers and employees review performance, achievement and development on a periodic basis, as appropriate.

### 3. RATING AN EMPLOYEE'S RESULTS AND ACHIEVEMENTS

#### A. INDIVIDUAL OBJECTIVES

At the beginning of the appraisal period:

- Agree with the employee on between three to five objectives to be met by the end of the appraisal period
- Write them on this page (or use an attachment if required)
- Sign the bottom of the page

Before conducting the appraisal meeting:

- Compare the employee's results and achievements with their objectives
- Circle a rating for each objective listed on this page
- Provide an overall assessment of achievement of individual objectives

**INDIVIDUAL OBJECTIVES**  
(provide as an attachment if preferred)

**COMMENTS**

**RATING**  
(enter 1, 2, 3, or 4)

1. Adhere to Getronics Policy and Procedures. Primarily lunch and breaks.	30 Minute Lunch (except on Friday 1hr) 2 - 10 minute breaks	3
2. Punctuality and Flexibility	Coming in on time for required shifts	2
3. Working together as a team.	Assist all others with the call s that they handle.	3
4. Quality level of calls, will be monitored by Getronics	Monitor ACD calls Evaluated based on handling of FSR or customer.	3
5. Help group meet ISO 9000 requirements	Average speed to answer Abandon percentage	3
OVERALL ASSESSMENT		3.8

#### ACKNOWLEDGEMENT OF INDIVIDUAL OBJECTIVES

Manager Signature Anthony Pugliese Date 8/23/01

Employee Signature [Signature] Date 8/23/01

- ☐ Has the employee's PMP appraisal considered the employee's awareness of and commitment to adhere to the Company's Standards of Ethics and Business Conduct policy?



Has the employee's PMP appraisal considered the employee's commitment to follow all applicable regulations that govern his or her areas of work?

## B. CORPORATE VALUES AND OPERATING COMPETENCIES

Provide a rating against each operating competency, and an overall assessment at the bottom of the page.

### CORPORATE VALUES

### OPERATING COMPETENCIES

**RATING**  
(enter 1 2 3 or 4)

<b>Customer Focus -</b> Commitment to deliver an unparalleled experience to the customer (internal and external)	<ul style="list-style-type: none"> <li>Takes ownership of customer requirements/issues and recommends appropriate solutions.</li> <li>Communicates regularly with the customer in a clear and concise manner without inviting confrontation.</li> <li>Maintains a pro-active, positive, professional relationship with customers.</li> </ul>	3
<b>Trust and Respect</b>	<ul style="list-style-type: none"> <li>Seeks input from others, honours commitments, and is open to feedback from others.</li> <li>Shares information with team members and customers.</li> <li>Demonstrates high ethical standards and respect for all team members and customers. Includes others in the decision-making process.</li> </ul>	3
<b>Results-oriented</b>	<ul style="list-style-type: none"> <li>Assesses his/her success by using appropriate, agreed upon quantitative and/or qualitative measurements.</li> <li>Makes and keeps realistic promises and pushes him/herself to achieve results.</li> <li>Does not confuse the value of effort with the value of achieving results and applies a high level of expertise to deliver them.</li> </ul>	3
<b>Authority/ Knowing our brief</b>	<ul style="list-style-type: none"> <li>Takes responsibility for actions within the boundaries of his/her role and refers issues to others as appropriate.</li> <li>Assumes responsibility for decisions and resolves issues.</li> <li>Demonstrates expertise within his/her own discipline. Stays abreast of changes in field and upgrades skills accordingly.</li> </ul>	3
<b>Teamwork</b>	<ul style="list-style-type: none"> <li>Demonstrates commitment to group goals and purpose. Focuses on the success of the business and supports department goals through individual acts.</li> <li>Helps others to find solutions to problems.</li> <li>Establishes and maintains effective working relationships.</li> </ul>	3
<b>Open Communication</b>	<ul style="list-style-type: none"> <li>Regularly communicates expectations, information, priorities, and goals.</li> <li>Expresses oneself articulately in written and verbal communications to each particular audience.</li> <li>Evaluates feedback from audience and replies in a professional manner.</li> </ul>	3
<b>Recognise and Reward</b>	<ul style="list-style-type: none"> <li>Acknowledges contributions made by team members.</li> <li>Provides timely feedback.</li> <li>Recognises the expected and seeks opportunities to reward the exceptional.</li> </ul>	2
<b>Empowerment and Accountability</b>	<ul style="list-style-type: none"> <li>Takes initiative and seeks support to achieve objectives.</li> <li>Holds him/herself and others to measurable, corporate and customer standards.</li> <li>Leverages a network of contacts across the, profession and industry.</li> </ul>	3

**OVERALL  
ASSESSMENT**

3

**C. OVERALL PERFORMANCE RATING**

List any other factors that should be taken into account when rating performance (provide as an attachment if preferred), then enter an overall performance rating.

**OVERALL  
RATING**

(enter 1 2 3 or 4)

**OTHER FACTORS INFLUENCING  
OVERALL PERFORMANCE RATING**

2	.Display the ability to maintain a professional attitude and appearance in a high stress environment
2	The ability to service customer in a calm rational manner
2	

**4. DEVELOPMENT PLANNING**

List the job competencies and/or skills to be developed by the end of the next appraisal period and/or any additional strategic initiative, service or solution of which employee must display quantifiably improved knowledge through training or self-study. (Refer to **Manager Guide to Development Planning**; provide as an attachment if preferred.)




**5. SIGNATURES AND COMMENTS**

SIGNATURE AND DATE

COMMENTS (provide as an attachment if preferred)

Manager

Signature

Date

Anthony Russo8/23/01

① Recognise and Reward ~~by~~ does not reflect any thing that I did. I have been very successful (way above 2) when I was the Team Lead.

② Team work: I have heard the term (an outstanding team player) a lot from my team and former managers.

Employee

Signature

Date

Alaaeldin Khmisi8/23/01

③ Overall Performance Rating: - I think it is a subjective evaluation, since I have never had any complaints from customers and I have always managed to maintain a professional attitude and appearance.

I have been working in the ECC for 2 years now. And just moved to the EMS group on April 2001.

I do believe, strongly, that I have demonstrated an overall performance rate of 4.

Previous managers and my co-worker repeatedly said so.

I do take my evaluation very seriously, because to my job the best way I know how, is what I strive for, and because I do believe that out perform your tasks and expectations is what should put you up and move you forward.

☐ Attachments (check and enter number)

# EXHIBIT 2

**From:** Miles, Ruby  
**Sent:** Tuesday, April 01, 2003 12:16 PM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Al,

I'll call you when I return; at about 12:30pm my time 1:30pm your time; I'm going to talk to Steve about an unrelated subject; then I'm going downstairs to lunch - just returned from my last meeting...

**Ruby Miles**

**Quality Assurance Manager**

Houston Enterprise Service Center

Getronics Infrastructure Solutions

*Ruby.Miles@Getronics.com*

Office: 713-852-5659

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Fax: 713-852-5305

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Tuesday, April 01, 2003 10:06 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

OK

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Tuesday, April 01, 2003 11:05 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Al, I'll call you when I return from my meeting... I'm already 5 minutes late...

**Ruby Miles**

**Quality Assurance Manager**

Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Tuesday, April 01, 2003 8:04 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Good morning Ruby  
How is it going ?  
Is going onto the 6 months now and nothing is final yet?  
I really need to know if the job is still mine or not  
It is very frustrating the way is being handled now***

***Please fill me in***

***Best regards***

***Al Khirawi***

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, March 21, 2003 10:18 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Yes Al, I do feel your pain... and; I know that God does too... like I said when I come there; we'll share some stories and maybe my words won't seem so hollow. I've just learned to be content with my situation and always hope for the best...take care and try to have a good weekend...

**Ruby Miles**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Friday, March 21, 2003 8:53 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Hello Ruby*

*Thank you so much for understanding and feeling my pain and frustration.*

*I told you once , that this is not the first time this happened to me.*

*I have been treated this way since 1999, and I have all the documents to prove.*

*So when they tell me it is about the current situation or the war , or the economy, it does not impress me much, just because in 1999, 2000 and most of 2001 there was no war , the economy was good and the situation in the company was great.*

*I was told by Paul Galipaue that this time things are different and it is my time to be treated fairly and @ least professionally.*

*I do believe Paul and respect his word great deal, and I know he is just like you wants to help me the possible way he could.*

*My frustration comes because I knew this is not a job that was asked by me to create, but a job that came as a business need and requirement to continue serving our customers the best way we know how.*

*I took your words in the interview and I had and still have great respect for , as a good start for me.*

*I was even entertaining what Paul has said regarding the 35K and some stock options as the minimum to get.*

*I did not want to tell my wife who has been waiting patiently with me for good things to happen.*

*I told Paul flat out that I am not going to tell my wife any thing about this job till it is final.*

*Then he called me one morning " a month ago" and told me that he was talking to you and " yes the job is final and the 35K is the minimum but we ( meaning you and him and Steve) are working hard to get more for me, and it is time to tell your wife" and quote.*

*I took that as it was, and told her, just to know that it might not even be the case.*

*My pain comes so hard as a result of the fact that I have done every thing right and so did you and Paul, and top Management needs to know that it is not a number or a name or even a file or a resume that need to be considered but some "Human beings" with all their hopes, dreams, and feelings that they need to consider.*

*Once again I am sorry for the negativity but it is time now people do what they say and mean what they say, because it has been my family's life and mine that are in question and consideration.*

*My deep appreciation to you and God bless Ruby*

*Al Khirawi*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, March 21, 2003 9:33 AM

**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Hey Al,

Believe me I know and live the frustrations - I really do feel your pain - more than you know - think about it from my side - I consider myself an honest person and one who cares about people. It's very difficult when I have to tell an employee one thing and then go back and change it and then go back and change it again (you're not the only one that this has happened to). But I've learned that working nowadays is not like it used to be - in my earlier years, you could believe what people were telling you - you worked hard and people appreciated it! I do believe they appreciate it, but every one is scared and stressed and frustrated and it makes life overall, more difficult than it has to be...I took off yesterday and am working from home today because I'm so tired; working lots of hours and feeling like I'm not getting very much done...

Take care Al and I hope to have news for you soon...

**Ruby Miles**

**Quality Assurance Manager**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Friday, March 21, 2003 8:13 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*I am sorry I sounded very negative.  
I did not mean that.*

*But is too frustrating that and after telling me that the minimum was the 35K to start and I was asked by Paul to go and tell my family, and after all my work and trials to push for the 38K, I am told now even the minimum of 35K to start is not approved yet and may not be.*

*I did accept this job when Paul told me that and after talking with you that it would be a minimum of 35K to start and I thought @ least I would get some stock options and may be bonuses as you told me in the interview.*

*But hey , I am really sorry to sound this negative and I hope things will turn well after all.*

*Best to you and I will wait for your news if and when to come.*

*My respect and regards to you.*

**Al Khirawi**

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, March 21, 2003 9:04 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Al,

Again, I have no idea - I've worked for this company almost 11 years - through 4 name changes and many other changes. If I knew the answer, I would tell you, but I don't! I won't lie to you either - whatever and whenever I find out something I will let you know... as soon as Steve lets me know, I'll let you know... sorry that I don't have a more definitive answer for you...

**Ruby Miles**

**Quality Assurance Manager**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Friday, March 21, 2003 7:53 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

Good morning Ruby

I heard from Paul that even the 35K minimum that you and him have promised me to start is not clear yet.  
Why is it taking so long to approve?  
Please advise.

Best regards

Al K

-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 1:40 PM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

**Yep**  
**And I am looking forward to that**  
**Best regards**

**Al Khirawi**

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 1:22 PM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

I agree, I agree - we should always talk about it - I've marched with MLK when he came to Houston in the '60s - the next time I come to Tewksbury, I'll have to share some of my stories...

**Ruby Miles**  
**Quality Assurance Manager**  
Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 11:14 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back



*I agree, Let us hope and dream .  
But talking about it should continue as one of my great icons once  
said  
"Our lives begin to end the day we become silent about things that  
matter"  
Said by Martin Luther King Jr.*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 12:07 PM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

I do understand AI - really I do; and; as a manager I am very frustrated - you'll never know how much. I too; know the feeling of no raises - just an fyi - it'll be 3 years in September since my last raise; but saying that I work with a guy (who is Caucasian) and smart, it's been 3 years for him too! I can't explain the difference in the sites - but I know several folks here in Houston are fighting the same demons that you are...Believe me we feel the pain and the strain.

I do know that Paul is supporting you and I am too - I'm very frustrated also - you'll never know how much - I want to be able to give you great news and; I don't have any right now. That's the part of my job, that I don't like!!! Believe me, as soon as I know something good or bad, I'll let you know - we'll have to keep hope alive; without hope, you have nothing... I really do understand..

**Ruby Miles**

**Quality Assurance Manager**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 10:52 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Oh, Ruby, Believe me I do know and believe that.  
I know it is a great country, but this is not my first struggle  
trying to get something good in this company.  
It is not the country but the company.  
I had two similar problems in here.*

*And I was promised by Paul @ least ,that this time it would be different.  
Is just seem to be working for every one here and It stops when it is my turn.  
I cannot understand why approving a matter like this would take all this time !!!  
I have done every thing possible to get ready for the job, but it seems like it is going to be longer.  
And I am still getting paid the same that Paul and all other Managers here agree was way underpay for me.  
It is starting to take its tone on me and my family.  
I have made so many decisions ( financial and other) after I received the announcement that the job is mine, and specially after the interview I had with you.*

*I hope great news do come soon*

*My regards, and sorry if I made it sound like that*

*Al Khirawi*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 11:10 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

I agree Al; it is unfair for you to have to wait; I wish that I had better news; in fact; I'm hoping for great news soon. I have lived my life in an unfair world having been born and raised in the US during the "50s, '60s and '70s - I can identify and I can feel your pain; but saying all of that; this is the BEST and GREATEST country in the world and even though I had to fight for my freedom (and I can share a few horror stories); I know that I would not want to live anywhere else! I'm blessed and I'm free - something that my grandparents didn't always have and taught me never to take it for granted!

**Ruby Miles**

**Quality Assurance Manager**  
Houston Enterprise Service Center

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**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 11:10 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

I agree Al; it is unfair for you to have to wait; I wish that I had better news; in fact; I'm hoping for great news soon. I have lived my life in an unfair world having been born and raised in the US during the '50s, '60s and '70s - I can identify and I can feel your pain; but saying all of that; this is the BEST and GREATEST country in the world and even though I had to fight for my freedom (and I can share a few horror stories); I know that I would not want to live anywhere else! I'm blessed and I'm free - something that my grandparents didn't always have and taught me never to take it for granted!

**Ruby Miles**

**Quality Assurance Manager**

Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 9:46 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Oh, I understand***

***So I just have to wait more than 4 months already for a raise and a job no one knows when it will come.***

***Is just unfair***

***Best regards***

***Al Khirawi***

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 10:43 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Al, Steve is not the only one who makes that decision - nowadays, reqs must have VP approval - our new ESC VP is Dick Boynton - it may even go higher than the ESC...

**Ruby Miles**

**Quality Assurance Manager**  
Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 9:16 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Who should and would make the decision?  
Is it Mr. Steve?***

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 10:14 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Probably.. but; maybe not... I don't know...

**Ruby Miles**

**Quality Assurance Manager**  
Houston Enterprise Service Center

Getronics Infrastructure Solutions

*Ruby.Miles@Getronics.com*

Office: 713-852-5659

Cell Phone: 281-830-9853

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[www.getronics.com/us](http://www.getronics.com/us)

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 8:47 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Hi*  
*Waiting for the approval of the 38K right?*  
*Please fill me in*

*Regards*

*Al Khirawi*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, March 19, 2003 9:18 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Hello Al,

"We are both in the same boat" as the saying goes; I'm waiting too... I'll let you know as soon as I know...

**Ruby Miles**

**Quality Assurance Manager**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Wednesday, March 19, 2003 7:52 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Good morning Ruby*  
*Just to see how things are going*  
*Another week gone by and I am still waiting for the decision.*

*My regards*

*Al Khirawi*

-----Original Message-----

**From:** Khirwaj, Aalaelain  
**Sent:** Friday, March 07, 2003 9:37 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Hello Ruby*

*Oh, very good to hear that .*

*To be honest with you I was very worried, just because I heard your request for me was denied and that was what made it longer to finalize.*

*I am happy now I guess, that it was not denied.*

*In regard to the 4 day working week, I am afraid that it would not work for me right now, just because I drive my daughter , with other kids, to a school that is only 4 miles away from Tewksbury, and I have to do that every day Monday to Friday.*

*So I will be doing the driving regardless.*

*Also my wife is going to school @ nights and that will require me be there with the kids @ 5.30 PM, plus picking up my son from the day care .*

*It would have been a great help for me , by reducing my driving hours and my daily expenses , but hey I guess comfort and ease are not for fathers!! << OLE  
Object: Picture (Metafile) >>*

*Once again thank you so much for the hope and you have a great weekend as well*

*Al Khirawi*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, March 07, 2003 9:04 AM  
**To:** Khirwaj, Aalaelain  
**Subject:** RE: Welcome back

Good morning Al,

Yes; I have taken into consideration the cost of living; the down side is the economy; of course and the company is not giving very big raises to anyone not even those of us who get excellent reviews, but not to worry, I have put in for a raise for you and hopefully you'll be pleasantly surprised.

Now; another option that I'd like to offer to help you (maybe not monetarily) but; I think you will like it (I would love it!...) All of the assessors who work for me are on a **4 day - 40 hour week** - (only one doesn't and that's because she can't work out her schedule). In fact everyone in my group works that schedule except me and her. **Most work Monday - Thursday; off every Friday..** If you're interested, I'd like for you to take the **Tuesday - Friday (off every Monday)** schedule, then you'd be at work with the 5 day person when the other 2 are off. When the deal is finalized and complete, I will call you with all the details.

Al, be listening out for a call from one of my assessors, Erica Trammell - she will be calling you next week to speak to you and to also find a good time to train you. We will then set up a webinar for that training.

Have a safe and happy weekend!

**Ruby Miles**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Friday, March 07, 2003 7:39 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Good morning Ruby***

***Good to hear that pain and problems have long gone, hope never come back again***

***As I mentioned, the meeting with Mr. Steve ended on the note that you will be the person who will finalize the deal.***

***Paul said yesterday that you were looking for my extension. It is 87232.***

***Steve said that you are still working on the issue, and nothing is final yet. I know the pay rate is a big issue, but please, kindly consider the level of living expense in MA, and I have no doubt that my education and experience will both be factors in the decision.***

***I have zero doubt that you are doing every thing right for me .***

***Steve also said the discussion with the technical experts was a positive one but no promises yet.***

***My best regards***

***Al Khirawi***

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, March 06, 2003 10:58 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Hello Al,

I'm happy that you have finally moved to your new office - and; I'm glad that you had the opportunity to meet with Steve. He is a nice guy. I appreciate all of the kind words... yes; I do have 100% eyesight now; thanks be to God! We're finally trying to work out your situation... it's just a very slowwwwwww process. Right now; we're waiting on technical information from eQuality in order to get it set up there. We're running here (and it is running well) with unsupported software and we do not want to do that in Tewksbury also; so we need some technical expertise in order to give us a long term solution. Take care...

**Ruby Miles**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Thursday, March 06, 2003 8:25 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Hello Ruby***

***I was not able to contact you lately, due to the fact that I have been busy moving to my new office.***

***However, I talk to Paul all the time, and he fills me in with all your conversations and work regarding my job.***

***I had the honor to meet Steve this morning and once again I thank you so very much for all your support and the nice words you said about me.***

***He actually mentioned that three time in his meeting with me this morning.***

***I hope your eyes and sight are 100% well now.***

***My best regards***

***Al KHirawi***

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Tuesday, February 25, 2003 2:39 PM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

I do too Al... You'll never know how many times that I've been in your situation... I believe that sometimes God has us to wait for something good to happen to us so that when we get it, it shows strength, patience, perseverance and most of all His grace in allowing it to happen...take care and just know that we're working diligently to make it happen...

**Ruby Miles**

**Quality Assurance Manager**

Houston Enterprise Service Center



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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Tuesday, February 25, 2003 12:56 PM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

I know.

Paul has filled me in , and actually moved me to my new office any way.

He feels for me I guess.

Regards

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Monday, February 24, 2003 4:47 PM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

We're trying hard to get a solution, Al... you'll never know how hard!

**Ruby Miles**

**Quality Assurance Manager**

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-----Original Message-----

**From:** Khirwaj, Aalaeldin  
**Sent:** Monday, February 24, 2003 1:15 PM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Hello Ruby.  
I understand.  
hopefully, something will break soon this week.***

***Best regards***

***Al Khirawi***

Thank you

Aalaeldin M Khirawi  
HD/Analyst  
Getronics Infrastructure Solution  
836 North Street  
Tewksbury, MA 01876  
Tel: 978-858-7685

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-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, February 21, 2003 1:23 PM  
**To:** Khirwaj, Aalaeldin  
**Subject:** RE: Welcome back

Hello Al,

Sorry that I'm just getting back to you, but yesterday was grueling and hectic; the external auditor was here all day and never left my side (literally)... He never audited any of the analysts or technicians in the facility, so I was with him until he left. I still don't have anything to report as of yet. Believe me, when anything breaks, you'll be the first to know. Sorry, I wish that I had better news... Take care and have a great weekend!

**Ruby Miles**

**Quality Assurance Manager**

Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeidin  
**Sent:** Thursday, February 20, 2003 9:56 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Hello Ruby  
Another week has almost passed by, just to  
see what is new***

***Regards***

Thank you

Aalaeidin M Khirwai  
HD/Analyst  
Getronics Infrastructure Solution  
836 North Street  
Tewksbury, MA 01876  
Tel: 978-858-7685

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-----Original Message-----

**From:** Khirwai, Aalaeidin  
**Sent:** Monday, February 17, 2003 11:01 AM

**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Yes indeed . It has been below Zero for weeks now.*

*People are becoming very impatient and depressed as a result of the long streak cold weather.*

*Yep , Lucky you in Texas, which was mentioned a lot by my Father in Law as a place he might move to , to avoid the killer cold.*

*I am originally from Sudan, the beigest country in Africa .. It is between Egypt "North" and Kenya South.*

*I left it 1989 as a result of the civil war  
Let me know of any new info*

*Best regards*

*AI*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Monday, February 17, 2003 10:31 AM  
**To:** Khirwal, Aalaeldin  
**Subject:** RE: Welcome back

It is very cold and very soon to get colder AI! We're anticipating the auditor tomorrow who already knows that he can't make it out of Manchester today! You guys are expecting lots and lots more snow. Hey; I understand; the cold that's there will kill you if you're not careful! This is when I'm glad to live in Southeast Texas! By the way; where are you from?

**Ruby Miles**  
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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Monday, February 17, 2003 8:07 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

Hi Ruby

Sorry for the delay my self.

I was out sick ( the bloody clod weather has finally gunned down a man from Africa!!!) .

Just came back this morning.

Oh, it is OK to know that the deal is out there for budgeting approval.

As I said, my real concern is the final deal itself, and I hope and pray it is a good one.

Best regards

Al

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, February 12, 2003 11:22 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Hello Al,

I'm sorry to just be getting back to you, but I hate to keep writing and don't have much to say or good news... I did speak to Paul Galipeau earlier this week; he also wanted to know what was going on and I told him the latest - all I know is our finance manager Dawne Meijer has been tasked by Dick Boynton the VP of the ESC to come up with a revised budget of which we did include your position - we'll have to wait and see what happens. What's bad about this process is that the job is necessary to our customers and; we want you to have it... I'll let you know as soon as I know...

**Ruby Miles**

**Quality Assurance Manager**

Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Monday, February 10, 2003 8:39 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Hello Ruby*

*Any news last week ?*

*Regards*

-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Monday, February 03, 2003 8:43 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Good morning Ruby*

*I do believe it.*

*And to be honest with you, my concern is not with the time to start, but the final deal itself.*

*I do not know how things are being discussed, and as you have said in the interview, is it going to be a good salary , a bonus or some along with stock option?.*

*That is my real concern.*

*Please fill me in as soon as you can'  
I know you are out there fighting for me.  
Thank you so much*

*AI*

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, January 31, 2003 2:22 PM

**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Al,

Believe it or not; we're still trying to work the "deal"... all I can tell you is that we are working hard at trying to get you hired... and you are the person that we all want; please continue to hang in there; hopefully all of this will be over more sooner than later...have a great weekend.

**Ruby Miles**

**Quality Assurance Manager**

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Friday, January 31, 2003 1:10 PM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Hello Ruby***

***Just to touch base with you.***

***It has been weeks now.***

***I hope every thing is turning out fine.***

***Please let know***

***Best regards***

***Al Khirawi***

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, January 23, 2003 10:46 AM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Hello Al,

I'm back and feeling great and seeing better than I could have ever thought possible - I'm very thankful to God for that... We're still working on Witness (you'll never believe the horror stories) and getting "you" into our group. I've reminded Steve that we need to get this action resolved so that you'll be ready when the calls start coming in...stay tuned...

**Ruby Miles**

**QA Manager**

Houston Enterprise Service Center

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-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Thursday, January 23, 2003 9:24 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

***Good morning dear Ruby  
Just touching bases with you and  
see how things are***

***Regards***



Thank you

Aalaeldin M Khirawi  
HD/Analyst  
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Tel: 978-858-7685

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-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Tuesday, January 14, 2003  
2:34 PM  
**To:** Khirwai, Aalaeldin  
**Subject:** RE: Welcome back

Hello Al,

Actually I just returned on today; I had an infection in my right eye (the doctor thinks it's because I might have keep putting steroid drops in my eyes; in fact, I had to go to the doctor twice yesterday and this morning before I came to work). Anyway; thanks for welcoming me back and I'm going to start working at getting you into this group within the next couple of weeks!

**Ruby Miles**

**QA Manager**

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Thank you.

-----Original Message-----

**From:** Khirwai, Aalaeldin  
**Sent:** Tuesday, January 14, 2003 9:42 AM  
**To:** Miles, Ruby  
**Subject:** RE: Welcome back

*Hello Ruby  
And welcome back to your  
office.  
Sorry it is one day late.  
I was out sick.*

*I hope your return was pain  
and discomfort free*

*Best regards*

*Aalaeldin M Khirawi  
HD/Analyst  
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836 North Street  
Tewksbury, MA 01876  
Tel: 978-858-7685*

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# EXHIBIT 3

## POSITION/EMPLOYEE REQUISITION

Date: 07/01/03

Is Candidate Identified? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>Aalqeldin Khirawi</i>	Is Recruiting Assistance Required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	REQUISITION # RYM01 Requisition # should be the Manager's initials + sequential numbering beginning with 01 (e.g. LC-01)
---	---	---

Additional Personnel Yes

Replacement for Whom? Name: N/A

Replacement Due To: **Other**

Temp Assistance for a Period of

Vacant Position #: *10161715*

## POSITION ATTRIBUTES: (This section must be completed to create position or fill vacant position.)

Supervisor Position #:	10004594	Org Unit Name:	Business Solutions Group
Org Unit #:	<del>20100152</del> <i>20100148</i>	Cost Center:	P286
Is this person the Chief?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Job Key (Job Code):	40500304
Position Full Title:	Quality Representative		
Position Short Title:	Qual Rep		

## HIRE EMPLOYEE TO FILL ABOVE POSITION:

Hiring Manager Name:	Ruby Y. Miles	Mgr or Supv Phone #:	713-852-5659
Supervisor Name:	Ruby Y. Miles	Personnel #:	82772
Reference Pay Entry:	40400	Reference Pay Upper:	49900
<input checked="" type="checkbox"/> Exempt	<input type="checkbox"/> Non-Exempt		
Pay Scale Area (Job Family/Level):	T3		
Contract (G/L):	800400		
Personnel Sub Area (Work Location):	MA02	<input type="checkbox"/> Home Address (check if employee will work at home.)	
Address Line 1:	836 North Street		
Address Line 2:			
City:	Tewksbury	State:	MA
Desired Start Date:	07/07/03	Zip Code:	01876
EE Subgroup	Full-time	Shift:	1st Shift
<input type="checkbox"/> Summer Help	<input type="checkbox"/> Co-op Help		

## JOB REQUIREMENTS: Position description: (What will this person do?)

Quality Representative will assess (evaluate) Managed Service Desk calls via the Equality Call Assessment System as well as consult with Team Mgr(s), MSD analysts concerning individual assessments, and other assessors to calibrate the assessment process. This position will also be responsible for helping to analyze existing service delivery processes and statistics to evaluate operational performance by developing statistical data and documentation to support operational improvement as well as helping to identify business requirements through analysis of operational statistics.

## QUALIFICATIONS: (What skills should this person have?)

Minimum: (required)

Excellent customer service and communication skills; should also should possess great technical skills as well as be a great listener, and articulate and understand how to analyze the data for reporting purposes.

Additional (preferred)

Including the skills above, a "plus" would be a computer science or related degree and any certification(s).

Clearance: NO

Type:

## APPROVAL SIGNATURES AND DATES:

Hiring Manager <i>Ruby Y. Miles</i>	HR Consultant <i>Aerence</i> <i>7/1/03</i>
-------------------------------------	--

Hiring Organization VP

HR Position Control

SAP Position Number:

Dawn Meijer  
7/16/03

*[Signature]*  
\* *[Signature]* 7/22/03  
See attached

Requisition #:

Date:

Is this a replacement requisition? If so, replacing who, and why did this person leave? How long has the position been open?  
This is not a replacement position. This position supports business growth to over 100 analysts in Tewksbury, MA.

What internal staffing alternatives have you considered prior to submitting this req?  
Existing staff, utilization of Houston staff and shared resources.

Why is it critical that this position be filled with a regular full-time employee at this time?  
New contracts/call volume require quality assessment of service delivery per customer contracts.

What account (s) does this position support?  
Getronics, Deutsche Bank, Prince William County, AXA, TMP

What other factors (geography, contract obligations, special skills sets, etc ) influence the need to fill this position with a regular full-time employee?  
Geography - Houston ESC assessors cannot adequately and accurately assess Tewksbury ESC calls because the Equality Call Assessment system does not allow for that feature at this time. Also, contracts require internal assessment(s).

How much overtime has been incurred over the past three (3) months as a result of this position being open, if applicable. If the position is recently vacant, what do you anticipate your overtime to run?  
N/A

Are we losing revenue as a result of this position being open? If so, how much are we losing? Or, if penalties assessed for missing SLA's , what is our exposure?  
N/A

What are the SLA requirements? Calls per day? What are SLA's currently running against contract requirements?  
100 calls per/week or 85% of analysts taking calls must be assessed.

Is this a customer-funded position?  
No

Assets Required	<input type="checkbox"/> Laptop	<input type="checkbox"/> Pager	<input type="checkbox"/> Phone card	<input type="checkbox"/> Vehicle
Does the position require overnight travel?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is Relocation available?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Do you want HR assistance with the interview process once candidates have been identified by Recruiting?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

# **EXHIBIT 4**



## APPRAISAL FORM

### 1. INDIVIDUAL DETAILS

Employee's Name

Employee Number

Business Unit

Aalaedin Khirwai

69329

EMS

Manager's Name

Date Appraisal Conducted

Date Next Appraisal Due

Aimee Wellington

07-02-2003

07-2004

Rating Summary (complete after the appraisal has been conducted)

Overall Performance Rating (enter 1 2 3 or 4)

### 2. INSTRUCTIONS

- Follow the prompts to rate the employee's performance against

- Individual Objectives

Section 3(A)

- Corporate Values and Operating Competencies

Section 3(B)

- Overall Performance

Section 3(C)

- Rate performance using a number from the following rating scale

1. Less than acceptable or only marginally acceptable and should improve
2. Meets all requirements and sometimes exceeds them
3. Usually exceeds the requirements
4. Always exceeds requirements and enhances Getronics performance

- Rate completely acceptable performance as '2'. When providing a higher or lower rating, make sure that the rating matches its description on the rating scale

- Enter the overall rating in the summary box (above)

#### IMPORTANT NOTE

This document contains guidelines for the successful implementation of effective employee performance management practices which Getronics may tailor or change as necessary. While they are designed to encourage a candid and comprehensive exchange of information, they do not constitute contractual commitments that the exchange will occur or will occur in the precise format described. These materials do not constitute a contract of employment for a specific period of time. Rather, they are offered as guides to help managers and employees review performance, achievement and development on a periodic basis, as appropriate.



### 3. RATING AN EMPLOYEE'S RESULTS AND ACHIEVEMENTS

#### A. INDIVIDUAL OBJECTIVES

At the beginning of the appraisal period:


- Agree with the employee on between three to five objectives to be met by the end of the appraisal period
- Write them on this page (or use an attachment if required)
- Sign the bottom of the page

Before conducting the appraisal meeting:

- Compare the employee's results and achievements with their objectives
- Circle a rating for each objective listed on this page
- Provide an overall assessment of achievement of individual objectives

1. Punctuality	Being at your desk at your scheduled work time. Taking breaks and lunches as to not impact the performance and service of the team. Be back at your desk with in your break and lunch times.	2
2. Call Handling	Monitor mailboxes for service requests, open requests and dispatch with in 2 hours of receipt. Update and Close calls daily as required.	2
3. Escalating	Escalate issues to the appropriate person following the established chain of command. This requirement refers to field escalations, vendors, PMO and internal management.	3
4. Be a Team player.	Work with the team. Be considerate to those that work among you. Be supportive and offer positive guidance. Help others whenever you are able to offer additional assistance. Promote a positive and comfortable working environment. This means do not talk down to people, and do not talk poorly about the people in your group to others. If you notice someone needs help please offer your assistance or notify his or her manager.	3
5. Maintain professionalism and use proper phone etiquette.	When answering the phone thank the caller for calling, identify were they are called and who they are speaking with. Be polite, friendly and professional. Log into the phones at the start of your shift and on your return from breaks and lunches. Log off at the end of your shift and prior to going to break and lunch.	2
OVERALL ASSESSMENT		2

#### ACKNOWLEDGEMENT OF INDIVIDUAL OBJECTIVES

Manager Signature  Date 03-01-02

Employee Signature  Date 3/1/02

- ☒ Has the employee's PMP appraisal considered the employee's awareness of and commitment to adhere to the Company's Standards of Ethics and Business Conduct policy?
- ☒ Has the employee's PMP appraisal considered the employee's commitment to follow all applicable regulations that govern his or her areas of work?

## B. CORPORATE VALUES AND OPERATING COMPETENCIES

Provide a rating against each operating competency, and an overall assessment at the bottom of the page.

### CORPORATE VALUES

### OPERATING COMPETENCIES

### RATING

(enter 1, 2, 3 or 4)

Customer Focus - Commitment to deliver an unparalleled experience to the customer (internal and external)	<ul style="list-style-type: none"> <li>Takes ownership of customer requirements/issues and recommends appropriate solutions.</li> <li>Communicates regularly with the customer in a clear and concise manner without inviting confrontation.</li> <li>Maintains a pro-active, positive, professional relationship with customers.</li> </ul>	3
Trust and Respect	<ul style="list-style-type: none"> <li>Seeks input from others, honours commitments, and is open to feedback from others.</li> <li>Shares information with team members and customers.</li> <li>Demonstrates high ethical standards and respect for all team members and customers. Includes others in the decision-making process.</li> </ul>	3
Results-oriented	<ul style="list-style-type: none"> <li>Assesses his/her success by using appropriate, agreed upon quantitative and/or qualitative measurements.</li> <li>Makes and keeps realistic promises and pushes him/herself to achieve results.</li> <li>Does not confuse the value of effort with the value of achieving results and applies a high level of expertise to deliver them.</li> </ul>	3
Authority/ Knowing our brief	<ul style="list-style-type: none"> <li>Takes responsibility for actions within the boundaries of his/her role and refers issues to others as appropriate.</li> <li>Assumes responsibility for decisions and resolves issues.</li> <li>Demonstrates expertise within his/her own discipline. Stays abreast of changes in field and upgrades skills accordingly.</li> </ul>	3
Teamwork	<ul style="list-style-type: none"> <li>Demonstrates commitment to group goals and purpose. Focuses on the success of the business and supports department goals through individual acts.</li> <li>Helps others to find solutions to problems.</li> <li>Establishes and maintains effective working relationships.</li> </ul>	3
Open Communication	<ul style="list-style-type: none"> <li>Regularly communicates expectations, information, priorities, and goals.</li> <li>Expresses oneself articulately in written and verbal communications to each particular audience.</li> <li>Evaluates feedback from audience and replies in a professional manner.</li> </ul>	3
Recognise and Reward	<ul style="list-style-type: none"> <li>Acknowledges contributions made by team members.</li> <li>Provides timely feedback.</li> <li>Recognises the expected and seeks opportunities to reward the exceptional.</li> </ul>	2
Empowerment and Accountability	<ul style="list-style-type: none"> <li>Takes initiative and seeks support to achieve objectives.</li> <li>Holds him/herself and others to measurable, corporate and customer standards.</li> <li>Leverages a network of contacts across the, profession and industry.</li> </ul>	3



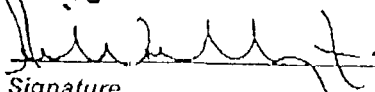
- 3 Aalaedin has provided additional staffing on weekends in the ECC for several months to prevent additional staffing and minimize cost to the account.
- 3 Aalaedin takes exceptional pride in the work that he does and will go beyond to learn more and train when necessary. His skills and knowledge are always fresh to provide the best end result. He has learned all areas of the Target contract with in the ESC help desk. He knows the First Response function, Escalation Control, and Vendor Management.
- 3 With all of his knowledge on the Target account Aalaedin is able and willing to fill in for others that are out due to vacation or illness.
- 3 Aalaedin is always willing to assist the Program office with special requests and escalations, as well act as the go to person during system outages.
- 3 In addition to Aalaedin's wealth of knowledge on Target he has also studied, learned, and organized how to best assess analyst for customer service and delivery. He has met with Team Managers to work out the specifics of the desk guidelines in order to meet there specific and company goals.
- 3 He sought out required information and worked with specific individuals in obtaining documentation and access that was outside of his control.
- 3 Aalaedin developed ESC reporting on assessment trends, development and performance.
- 3 Aalaedin has really stepped up and proven that he is a leader and can work great with a team and individually.

**5. SIGNATURES AND COMMENTS**

SIGNATURE AND DATE

COMMENTS (provide as an attachment if preferred)

Manager



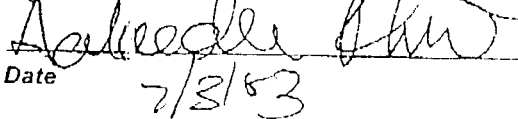
Signature

07-03-2003

Date

Employee

Signature



Date

7/3/03



Attachments (check and enter number)

I do agree with the overall results.

And my appreciation and respect to my supervisor Aimee W. For her leading role in helping me to work achieving this status.

She has been supportive understanding and most importantly helpful and fair.

**6. ATTACHMENT**

Continued from section ☐


Continued from section ☐


Continued from section ☐


Manager	Signature	Date
Employee	Signature	Date

# EXHIBIT 5



MEMO

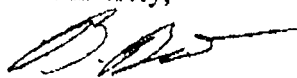
TO: Aalaeldin M. Khirawi  
FROM: Brian Benoit  
DATE: August 27, 2003  
SUBJECT: Promotion

Getronics  
290 Concord Road  
Billerica, MA 01821  
www.getronics.com

We are pleased to offer you a promotion to the position of Quality Representative, beginning September 1, 2003. You will be reporting to Ruby Miles. You will be paid at a rate of \$1,500.00 semi-monthly, which equates to \$36,000.00 when annualized.

Getronics is a growth-oriented corporation dedicated to providing outstanding career opportunities to people who seek out the challenges of working for a dynamic company. We are pleased to have you commence your new position, and look forward to your continued contributions to making Getronics a leader in network computing services.

Sincerely,

  
Brian Benoit  
Senior Recruiter

As an indication of your acceptance of this offer, please sign a copy of this memo and fax it to Kathy Chambers at (713) 852-5292. Aside from items specifically stated herein, all existing terms and conditions of Getronics employment remain in effect, including but not limited to, the General Employment Agreement and the Standards of Ethics and Business Conduct terms and conditions of employment. If there should be a question as to your expected start date, please discuss this with your future manager.

ACCEPTED AND AGREED TO:

Employee: Aalaeldin Khirawi Date: 8/28/03

Expected Start Date: September 1, 2003



# EXHIBIT 6

**REDACTED**

---Original Message-----

From: Khirawi, Aalaeeldin  
Sent: Sat 12/20/2003 5:59 AM  
To: George, Gayla

Cc:  
Subject: RE: Complaint against Mr. Freeman  
You are welcome.  
Yes I will be working this week.  
My time between Monday and Thursday is good  
I am also bringing this investigation up not just against Mr. Freeman alone, as may the e-mail subject suggests, but against Mrs. Miles and the circumstances that have and are still surrounding my status with her team.

Regards

Aalaeldin Khirawi  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

The information transmitted is intended only for use by the addressee and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of it, or the taking of any action in reliance upon this information by persons and/or entities other than the intended recipient is prohibited. If you received this in error, please inform the sender and/or addressee immediately and delete the material. Thank you.

-----Original Message-----

From: George, Gayla  
Sent: Thursday, December 18, 2003 6:05 PM  
To: Khirawi, Aalaeldin  
Subject: RE: Complaint against Mr. Freeman

Thank you for your response. Are you working next week or taking time off for the holidays?

Gayla

-----Original Message-----

From: Khirawi, Aalaeldin  
Sent: Thursday, December 18, 2003 4:44 PM  
To: George, Gayla  
Subject: RE: Complaint against Mr. Freeman

I do realize that it is a serious matter.  
And I have been trying not to bring it again up, since it takes away from my soul and mind.  
Yes Ruby Miles has told me that she knew that I was subjected to discrimination, but did not give details.

I work Monday to Thursday from 7 to 5.30

Regards

Al

-----Original Message-----

From: George, Gayla  
Sent: Thursday, December 18, 2003 5:32 PM  
To: Khirawi, Aalaeldin  
Subject: RE: Complaint against Mr. Freeman

Aalaeldin,

You have indicated a very serious allegation and suggest that you have been subjected to discrimination during your employment with Getronics. Obviously, any investigation must begin with you talking to me.

Please advise me of your hours and I will schedule a time for us to speak.

Thank you.

Gayla

-----Original Message-----

From: Khirawi, Aalaeldin

Sent: Thursday, December 18, 2003 4:22 PM

To: George, Gayla

Subject: Complaint against Mr. Freeman

I work in Tewksbury as an Equality rep

My manager is Ruby Miles

I recently applied for courses (IT courses ) and submitted a request for tuition reimbursement.( \$3000 benefit)

Page 39 and 40 from the employee handbook supported my case for tuition reimbursement.

The request was denied on not very clear bases.

So many other employees have been using the benefit to better themselves for better positions and promotion.

My manager ended the discussion on an e-mail and asked me to contact my HR person ( Mr... Freeman T)

But he, for unknown reason, treated me with unexplained hostility and bias.

I am asking you kindly to look into this matter with an investigation, as discrimination and bias based on my national origin and religion have been part of my history with Getronics.

Ruby Miles did mention, confirm and communicate that with me once when she was in Tewksbury for training purposes.

Your prompt action is appreciated

Aalaeldin Khirawi

E-Quality/Training

Tewksbury MA, USA

(978) 858-7761

(978) 858-7232

The information transmitted is intended only for use by the addressee and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of it, or the taking of any action in reliance upon this information by persons and/or entities other than the intended recipient is prohibited. If you received this in error, please inform the sender and/or addressee immediately and delete the material. Thank you.

# **EXHIBIT 7**

**CONFIDENTIAL****Thursday, December 18, 2003**

I believe this was the date on which Aalaeldin called me and asked if tuition reimbursement was a benefit or an entitlement. I said I felt it was a benefit. He asked about the definition of job-related and non-job related courses and if the definition was for tax purposes only. I said it was for tax purposes, but also the policy reimburses for only job-related courses unless they are part of a degree program, which is job-related. He asked if HR approves the tuition reimbursement requests and I said no, the manager does. I asked him if the tuition reimbursement was for himself and he said no, that it was for someone else. I also told him that the money comes out of the department's budget. I told him that the employee should contact his/her HR person if he doesn't agree with the answer he is getting from his/her manager. He thanked me and we ended the conversation. I was copied on Terrence's response to him later that day.

**Tuesday, December 23, 2003**

Met with Aalaeldin at 10:00 am for almost an hour. Asked him for clarification on the complaint. He said one is against Terrence Freeman and the other is not necessarily against Ruby Miles, but is regarding the team, "deal", and everything in general. Aalaeldin made it clear that everything here in Tewksbury is fine and that he gets along with everyone. Does not want anyone hear to put him in that "box" again.

Aalaeldin said that when he accepted a position with Getronics his lawyer suggested he look for something else because of the history he has had here. The lawyer didn't think Aalaeldin would be able to advance here, but Aalaeldin felt that if he got more education he would do well. Aalaeldin said he then met Louie Leger and Paul Galipeau, and that Paul always went the extra mile for him. Aalaeldin feels that it wasn't his education, the system, or his performance that have gotten him things here at Getronics, but instead it was his personal relationship with Paul.

Aalaeldin told me that he was hired as a Customer Service Representative and took 20 plus classes in Computer Information Systems. He said some of them were on his own and others were through Target. He did this to try to get a better position.

About one year after he was hired, he applied for three positions, two of which he did not receive any response from the recruiter.

Aalaeldin said he was moved into Paul Galipeau's group at the beginning of 2001. He told Paul that he wanted to do something in the field to test his knowledge and classes. He said he is certified in Networking and computer hardware and software. He said he was given a job in the field working on the Aero project for State Farm. He said he waited a while for his trunk inventory and after he was on the job for 2-3 months they no longer wanted him on the project for no reason. He said he was told via email that the schedule doesn't fit him. Aalaeldin said he's not sure who made that decision, but Paul Galipeau may know. Aalaeldin said some people tell him it was bad management. He said he received a second email, which stated he was taken off the project because he did

**GETR0975**

**CONFIDENTIAL**

not attend meetings (claims there were no meetings to attend) and that he was causing the project to fail. Also, that he did not meet the requirements. Another reason he was given was that they were trying to cut people working in the field. Paul suggested that he not respond to the email and that they look for something else for him.

In June or July of 2002, Paul called him in and told him that he thought he had a job for him. Paul said that Houston was bringing Witness (quality software system) in to monitor the help desk analysts. Paul told Aalaeldin that he thought he was the best qualified for the job. He said Ruby would interview him and asked Aalaeldin to send his resume to her. Aalaeldin interviewed with Ruby and she said he had more qualifications than she needed, but she was willing to see what he could do. She said the salary would be somewhere between 38k and the low 40's. She told him that if she brought him in at 38k, she would look into stock options or bonuses for him. Aalaeldin said that customers were already told at that time that Getronics had a person who would overlook the help desk analysts on their accounts.

Aalaeldin was not hired for the position until September of 2003 and by then he said everything had changed. He believes that someone did not want him to have the job. He said he had been doing the job in Paul's group since around 2/03 because the customers were told that someone would be doing it. He said he did it manually because they did not have the system in place. He was still at his old salary at this time. He said he was doing this as expected, independent from Houston, and that they liked his analysis and reporting. He was performing the function for the managers on the floor and Paul told him that this would show Houston that he was qualified for the position. Aalaeldin said everyone liked what he was doing. Ruby came to visit and finally the software was installed. He said there were technical problems at first.

Aalaeldin said that at one point they were not going to hire him, but then he showed them the email he got from Ruby offering him the position. He said Ruby came here for training and she was very sad and laid back. He asked her why everything changed (salary, etc.). She told him that she had never seen a resume like his treated this way and that she thought race had something to do with it. He said they had this conversation in June or July of 2003. She said something like "You would be surprised what I went through. Welcome to the club." He wanted to ask her what she meant, but someone came into the room. It took another two months from then before he was formally offered the position.

Aalaeldin said he thought he was hired as a Quality Representative, but they are not allowing him to do what is stated in the job description. He was told the minimum was in the low 40's and he was offered 36k. He was told at the time that he would get another raise in six months. Paul advised him to accept the position because they would be moving him to the training group. He had received an email from the training manager, Maudra Edison, welcoming him to the group and then two days later was moved back to Ruby's group. He had been told prior to that that the VP wanted Quality to be part of the Training organization. He had been invited to join a conference call with the VP and then was told not to attend because he was going to be staying in Ruby's group.

**GETR0976**

**CONFIDENTIAL**

Aalaeldin is concerned because he is not doing the job for which he was hired and is not receiving the pay. He feels that someone (not sure who though) does not want him going anywhere in this company. He said Paul Galipeau and Amy Callen believed in his ability. He said that the Quality Rep position starts in the low 40's and he is earning 36k. He said Paul verbally communicated that Maudra told him he would be brought to the minimum between September, 2003 and March, 2004. He said before he was hired into the job he was performing the function of a Quality Rep for Paul, but now he is just listening to calls and entering the data. There is no analysis or reporting involved. He said they are called E Quality Assessors and he is the only one in Tewksbury, but there are 4-5 of them in Houston. He said managers have created a corrective action asking for him to help them the way he was before he was hired by Ruby.

Aalaeldin said that Paul thinks very highly of him and has told him that he feels he can put him in a Project Manager job and that Aalaeldin would be able to do it. Aalaeldin said he has his Masters degree and he is currently teaching management at the college level.

Aalaeldin said he was told by Ruby shortly after she hired him that he would fly to Houston to train the employees there so they could combine what he was doing here (for Paul Galipeau) with what they do there, to come up with a better system. He said he got his Diners Club card and was ready to book his trip to Houston when he was told by Ruby that they said he couldn't go. She didn't understand why but said it was due to budget constraints.

In early December, 2003, Aalaeldin said he sent an email to Ruby requesting to take classes as part of a degree program. She responded two weeks later and said that she had discussed it with Dwight and that her budget didn't allow it. Classes are scheduled to begin on January 2, 2003. He had been told that he would be transferring to the Training organization in January, so he's assuming he is no longer transferring since Ruby referenced her budget not the budget of the training group. He said he was told in September that he would transfer to Training in January.

Aalaeldin said he told Ruby that he can prove the courses are job related, but Ruby told him he must contact HR. Terrence called Aalaeldin on the phone and Aalaeldin requested that Terrence respond via email because "sometimes when I'm busy, my communication is not good on the phone." Aalaeldin received the email and felt that Terrence was taking Ruby's side of the story. Aalaeldin then called Terrence on the phone and asked him why. He said Terrence's tone of voice was very hostile. Aalaeldin said he does not know what kind of relationship Terrence and Ruby have and wonders why Terrence would take Ruby's position on this. Aalaeldin felt that Terrence was just repeating exactly what he had already heard from Ruby. Feels HR should be there for him, to hear his side of the story. Aalaeldin said he told Terrence that he couldn't talk to him and that he needed to speak to someone else. Aalaeldin said Terrence gave him Gayla George's name.

GETR0977



**CONFIDENTIAL**

Aalaeldin ended by saying that there always seems to be an obstacle in everything he tries to do. He said he may be wrong and he hopes he is wrong.

**Spoke to Terrence Freeman at 1pm on December 24, 2003.**

Terrence told me that he spoke to Aalaeldin last Thursday regarding his request for tuition reimbursement. He told him over the phone that it was not approved because the courses were not job related and there were also budget restraints. Aalaeldin asked Terrence to put his response in writing, which he did. Terrence copied me and Paul Galipeau on his response.

Aalaeldin called Terrence again that day and wanted to know why he copied me and Paul on his email regarding his tuition reimbursement request. Terrence let me listen to Aalaeldin's voice mail to him regarding this. In it Aalaeldin states that he feels this is a matter between his HR person (Terrence), his manager (Ruby), and himself. He asks Terrence to call him about it. Terrence returned the phone call and explained that Paul and I were copied on the email because he had told Terrence that he had spoken to me about his tuition reimbursement request and that Paul always approved his tuition reimbursement requests in the past. Terrence said he was very calm when he was explaining this to Aalaeldin. Aalaeldin then asked Terrence to recall the email to me and Paul and to call us and tell us to disregard it. Terrence told him he would not do that. Terrence said his tone (Terrence's) changed slightly when Aalaeldin asked him to recall the message and that he may have gotten a little defensive because of the way Aalaeldin approached him. He said Aalaeldin asked him who he reported to and he gave him Gayla's name.

I asked Terrence the names of the courses that Aalaeldin wants to take. He said they are C++ and Object Oriented Analysis and Design. He said Aalaeldin is a Quality Representative and these courses are not job related.

Terrence said he has only dealt with Aalaeldin once or twice before this and can't pick him out of a crowd. He said he does not know what he looks like or anything about his religious beliefs. He also added that he worked with Paul Galipeau on the increase for Aalaeldin when he moved into his current position and that the increase was 20% or higher. He said he feels Aalaeldin is doing this because he wants his tuition reimbursement approved.

I asked Terrence to keep our conversation confidential and he asked me to get back to him with the results of the investigation.

**January 5, 2004, 10:30 am**

I spent one hour on the phone with Ruby Miles discussing the following:

Ruby said she never told Aalaeldin that his salary would be between 38k and the low 40's. He had told her that he wanted a raise and she said that she would try to offer him

**GETR0978**

**CONFIDENTIAL**

more than what the others in her group were making because he has a degree and they do not. She told me that the others make in the low 30's. She said they worked hard and were able to get him a 33% increase, which she thought was very good.

Ruby said she never told Aalaeldin that she would look into stock options or bonuses for him. She said they were discussing raises and she had told him that one person in her group had received stock options rather than a raise even though she would have preferred a raise. She explained the different ways people can receive money, such as performance plus, etc. She said she did not tell him that he would be receiving any of these. Explained that he must pay his dues and that it takes time. She said she used herself as an example and said that she has been with the company for ten years and has received only two raises. She said she told him that there were people in her group who hadn't received raises in four years. She said she never made it appear that she could get him a raise. She said there is no way she would make him that promise. She said she knows what the money is here (at Getronics) and how it works. She told me that all her money (increases) came from when she worked at BP, not Getronics. She said the good raises came from BP.

Ruby said Aalaeldin first told her that he would not take the job unless he was offered 38k. She said Paul told him that he had to start somewhere and reminded him that he was only earning 27k.

Ruby said she was in Tewksbury right before the 4<sup>th</sup> of July holiday in 2003 and Aalaeldin asked, "Did you get me at least 38k?" She said she told him it was more like 36k. She said he was so angry that he did not return to the class they were in at the time. She said he later apologized for getting angry.

Ruby does not understand why Aalaeldin feels that someone did not want him to have that job. She said it must have been a misunderstanding. She said she did not interview anyone else and does not know of anyone who did not want him to be hired.

Ruby told me that she is an Afro-American woman and she would never discriminate against anyone.

Ruby said she told Aalaeldin when he received his raise that he would probably have to wait a year for another increase. She said she never told him that he would receive another one in six months.

Ruby said that Aalaeldin told her that Maudra (Training) told him that she could get him a 2-3k increase if/when he moved to Training. Ruby called Maudra and Maudra told her that she did not say that. Ruby said Aalaeldin is looking for money. She said he just got a raise in August. She said they recently went through a ranking exercise and an exercise to determine who will get raises in 2004. Ruby said she sent an email to Aalaeldin telling him that he probably would not get a raise in 2004. She told him that there was always the possibility for a performance plus award.

**GETR0979**

**CONFIDENTIAL**

Ruby told me that Aalaeldin works in two different cost centers. He works four, ten-hour days for her and then works 13 hours on Saturday on Target. She said it was recently noticed that he should not be receiving overtime until the 45<sup>th</sup> hour worked. He had to recode the time sheets and they will be taking money back from him. She believes his issue is "all about money", but she said, "We all need more money!"

I asked Ruby about the length of time it took to get the offer approved to hire Aalaeldin. She said she can't control how long it takes and that she had changed managers during that time. She said her previous manager was Steve Wylie and Steve wasn't going to give Aalaeldin 36k.

Ruby told me she would not choose Aalaeldin for the position if she had to do it all over again. She said it is because of all these misunderstandings, not because he's not technical or qualified. She said she tried to "calm the waters".

Ruby said she did not interview anyone else for the job and she does not believe his allegation that someone did not want him to have the position. She said Paul Galipeau and Aimee Wellington both told her that he was a good candidate for the position.

Ruby said she told Aalaeldin that she would try to get him to Houston, but the budget did not allow it, so the meeting was held via telephone. She said he is five times more technical than her employees in Houston. She then assigned Erica in Houston to Aalaeldin so that he can ask her any questions he may have. She scheduled a meeting with the two of them and Erica gave Aalaeldin names and phone numbers of other people if she was not available. Ruby said Erica checked back with Aalaeldin, but he did not have any questions.

Ruby explained to me that the assessors rate the analysts on different things and if an analyst receives a score below 70 the calls are entered into a database. When Ruby commented that Aalaeldin didn't have any analysts with scores below 70, he told her that he was not sure how to use the database. He told her that she never showed him how. Ruby said this was not true, but she held another one-on-one meeting with Aalaeldin. She said she sent him the link and they each went into the database at the same time and she showed him how to use it. She said this was in October and there are still no "red calls" (those with scores below 70) in the database. She said she has to assume that there are no analysts who have scores lower than 70 because she knows that Aalaeldin knows how to enter the calls into the database.

When I asked Ruby if he was given the job only after producing an email from her offering it to him, she said that was not true. She said she had to keep reassuring him that he was going to get the position, but she never formally offered it to him. She said she knows the constraints under which she works and therefore wouldn't do that. She said she may have told him that he will get the job because they liked him. Ruby told me that she has been promised raises and promotions, but "I didn't go to Personnel and say, why didn't I get my raise?"

**GETR0980**

**CONFIDENTIAL**

I told Ruby that Aalaeldin had told me that she thought race had something to do with the delay in getting him hired into the position and that she said something like, "You would be surprised what I went through. Welcome to the club." Ruby said she said that because she had waited a long time for raises, but she didn't mean that it was because she was Black. She said she told him that's how things work here. She said she has been promised raises, but that hasn't stopped her from working hard. Ruby said she told Aalaeldin that she has been here eleven years and that she has never seen anyone discriminated against. Ruby said she never would have made the comment that Aalaeldin alleges she made. Ruby said, "I am a child of the 60's and I know discrimination". She said she works with every color under the moon and she's mature enough and has enough common sense not to say that. She told me that the Company has never discriminated against her. She said she is very angry that he said that.

I told Ruby that Aalaeldin said he is not performing the functions in the job description for a Quality Representative. Ruby told me that Aalaeldin is a Quality Representative because of his salary. The reference pay is more in line with his salary. It was anticipated that he would be asked to do more as time went on because he was so bright. Ruby said the assessors in her group are going to get new titles and that Terrence is working on a new job description. Some have titles such as Quality Administrators or Customer Satisfaction Administrators.

Ruby said she has told Aalaeldin that she loves his quality reports, but she explained to Paul and Aalaeldin that the ESC is going through changes. She said Dick Boynton is new to the organization and that Dwight, her manager, put a hold on all reports. The senior management team in her organization will decide which ones they want them to use. She said it doesn't matter if she and Paul like Aalaeldin's reports, it matters what ones senior management wants to use.

I asked Ruby if Aalaeldin was supposed to move to Training and she said all the accessors were supposed to move to Maudra, but they (management) changed their minds. She said Aalaeldin already knows that he won't be moving in January. Ruby doesn't understand why that matters to Aalaeldin. She said he has a job and he should be thankful. She said, "He should make the best of it and we'll work through it."

I asked Ruby about Aalaeldin's request to take courses through tuition reimbursement. She said the courses were not job related and they did not have the money in the budget. She said she referred him to Terrence Freeman.

Ruby ended our conversation by saying that Gayla George has known her for over 10 years and that she is a very honest and fair person. She said she "shoots straight from the hip" and does not lie. She said she wears her job with emotion and passion and never ever would lie to Aalaeldin. She said you can twist words like "you don't know how they treated me in the past." She said, "Am I not still here? Do I not do my job to the best of my ability? I cannot say that I am not grateful to have a job. I can't say that I was ever discriminated against. This is the first time I have ever had anyone say those things and I am very hurt by this, but I'll get over it."

**GETR0981**

**CONFIDENTIAL**

After we hung up, I realized that I did not remind Ruby to keep our conversation confidential. I called her back and left her a voice mail asking her to do so.

**Tuesday, January 06, 2004**

Ruby Miles called me to tell me that Aalaeldin was out Monday and Tuesday and he asked that she relay the message to me.

**Wednesday, January 07, 2004**

I met with Paul Galipeau and the following is a summary of our conversation.

I asked Paul if Aalaeldin had taken any classes through tuition reimbursement when he worked for him and if the classes were job-related. Paul said the classes were field related, but not directly job-related. He said Aalaeldin took courses for his Microsoft Certification and Aalaeldin would need these classes if he were to advance into a help desk analyst position. He said the plan was that Aalaeldin would eventually move up into one of these positions. He said Aalaeldin has a bachelors and a master's degree.

I asked Paul if he knew why Aalaeldin was taken off the Aero project. He said he received a letter from Rena Thompson stating that Aalaeldin did not attend the customer run training session and they no longer needed him on the project. Paul said this training was required for all people on the project. Aalaeldin told him that he was never notified about the training. Paul had shown the letter to Aalaeldin and Rena was upset that he had done this. Paul didn't think there was any reason why he shouldn't have shown it to Aalaeldin. Paul also noted that Aalaeldin had already done installations on Aero prior to the training class. Paul said he did not investigate this any further and advised Aalaeldin to go back to his position on Target and that they would look for something else for him.

Paul said Aalaeldin wanted to do hands-on work using what he had learned in his Microsoft classes. He did self-training in the lab on his own time. Paul said he did a good job.

I asked Paul if he knew why it took so long to approve the offer for Aalaeldin's current position. He said all requisitions in his organization take a long time to get approved. Most take 2-3 months, and it took five months for one of his other employees to be hired. He said part of the problem getting Aalaeldin's position approved was that Dick Boynton had replaced Dick Chartery (not sure of spelling) sometime around February of 2003. At that time Dick B. put a hold on all requisitions so that he could analyze what was required. The requisition was originally for Ruby Miles and Steve Wylie, both of whom interviewed Aalaeldin. There were also some headcount issues and Paul had to give up a person in another group in order to get this position. They were also having layoffs during this time and senior management did not want to be adding new positions when they were laying people off.

GETR0982



Paul added that Aalaeldin always did a good job for him. He said he was a little bit of a problem at first because he had a short temper, but then he was fine. Paul said Aimee Wellington loved him and that he worked overtime on weekends for them. Paul also said that Aalaeldin had developed reports for them to be used as a standard.

I asked Paul if he had told Aalaeldin that Maudra said she was going to increase his salary to the minimum for the position sometime between Sept. 2003 and March 2004. Paul said no and explained to me that Maudra called Aalaeldin during the transition and told him that the group would be moving to her. Management changed their minds and did not move the group. During this time Aalaeldin had asked Paul why he was being brought in below minimum (reference entry). Paul told him that it usually takes more than a year or longer, sometimes two years, to get up to the minimum. Paul said he told Aalaeldin that if his performance was exceptional he may receive stock options or a performance plus award. Paul said he also spoke to Ruby and told her that he would like to see Aalaeldin receive a performance plus award or stock options if he does well in his new position.

I asked Paul to keep our conversation confidential and he agreed.

**CONFIDENTIAL**

GETR0983

# EXHIBIT 8



Getronics

836 North Street

Tewksbury, MA 01876

www.getronics.com

**MEMO**

TO: Aalaeldin Khirawi

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FROM: Joan Anderson

---

DATE: January 15, 2004

---

SUBJECT: Allegation of Discrimination

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Thank you for participating in our investigation of your allegations of discrimination based on national origin and religious beliefs. As you know, our internal complaint procedure is designed to ensure that we maintain a productive workplace free of bias.

This memorandum reports on the results of our investigation. Our investigation included interviews with you, your most recent supervisor, your former manager, and your current human resources consultant. Our investigation did not confirm the substance of your claims of discriminatory treatment.

As you know, your most recent request for pre-approval of tuition reimbursement was denied. The denial was based upon the fact that the two courses are not job-related and there are current budget constraints within your department. The denial of tuition reimbursement for these courses is consistent with our tuition reimbursement policy and we uncovered no evidence that this decision was based on your national origin or religious beliefs.

When you demanded that Terence Freeman recall his email on the topic of denial of your request for tuition reimbursement, on which he copied me, and Paul Galipeau, Terence declined to do so. However, we uncovered no evidence that his behavior was related in any way to your national origin or religious beliefs. In fact, Terence has not met you in person and we do not believe that he has knowledge of your national origin or religious beliefs. Rather, in his email communication, Terence endeavored to be efficient in his communication on the topic of your tuition reimbursement request and copied persons on his message who had been involved in discussion on the topic to date.

You stated in our meeting on December 23, 2003 that your complaint is not against your supervisor, Ruby Miles, but relates to circumstances surrounding your current position. During our investigation we uncovered no evidence of discrimination, but did find evidence of misunderstandings between you and your supervisor.

**GETR0072**



We expect that you and Ruby will move forward in a professional manner. So as to facilitate that process and avoid future misunderstandings, we will convene mediated discussions between you and Ruby to resolve these misunderstandings. I will be available to mediate these discussions and will contact you for such scheduling.

This memo concludes communication of the results of our investigation into your concerns. If you have further evidence that you wish to bring to our attention on the issue of national origin or religious discrimination, we will take appropriate action to investigate and resolve the problems, if any.

Getronics is committed to providing you with an environment free of discrimination and to protect you from any retaliation as a result of your report and our investigation. While we have no reason to believe there will be any problems, please call me if you feel that you are being subjected to retaliation in any form.

Thank you again for your participation.

# EXHIBIT 9

**Khirawi, Aalaeldin**

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**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, January 15, 2004 3:55 PM  
**To:** Anderson, Joan  
**Subject:** Allegation of Discrimination- Letter dated January 15th 2004

Thank you for taking the time to conduct the investigation regarding my claim of systematic occurrence of what turn to be, in my believe, denial of some promised gains, projects or tasks in Getronics.

Your letter dated January the 15th 2004, however, has responded to some of the issues that unfortunately, were the least significant to my claim, yet I would like to counter claim some points:

First, Mr. Freeman has met me in person and in private when he visited Tewksbury in 2003.

Second, my complaint against him was not based on his refusal of calling an e-mail he sent me to address the tuition reimbursement denial, but was based on the fact that he did not represent my concern with the denial itself, and with my request to him to look into the matter in which he has chosen not to, and instead assuming the role of a spokesperson for my manager.

Third, you have called the issues I raised with my current position, promotion and the offer on which I have accepted the position, you called it misunderstanding.

I have many e-mails to prove otherwise, and hopefully I will present them on our next meeting with Ruby Miles.

Fourth, the letter unfortunately did not cover very important issues like:

- \* The circumstances and events of the job with the AERO project.
- \* Any reference to my complaint that my Manager Ruby Miles has stated very clearly to me that she thought a racial agendas or reasons were behind the decision to deny me what she had offered for the job.

Once again, I appreciate what you have done so far

Regards

**Aalaeldin Khirawi**  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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10/12/2004

# **EXHIBIT 10**

REDACTED

-----Original Message-----

**From:** Khirawi, Aalaeldin

**Sent:** Wednesday, January 21, 2004 4:27 PM

**To:** Miles, Ruby

**Subject:** RE: Quality Representative

**GETR0920**

Ruby.

I do not think it was a misunderstanding from my part when you attributed the changes your managers did to every thing you have stated regarding my job as a quality assessor to racial factors,

22/2004

you said you yourself "was a victim" of.

I do not think I am willing to name it @ this time "misunderstanding", since , you have said it clearly and with very simple English downstairs in the training room, as a response to my question why you had to settle for the \$36,000.00 with no bonus or stock options.

Please stand to what you have said and let us all try to resolve such dangerous and serious issues, if they do exist.

Shy away from the issue or change its meaning or call it "misunderstanding" will not make it go away, and stand up for those who violate the rules, laws and regulations is what will make us all better of.

I hate to be a victim and a taken advantage of person.

What you have said is serious and you just cannot say it was a misunderstanding, because I was affected directly and negatively by it and you know it very well since you are my immediate manager and your belief and thought do affect the life of those you manage.

You and I well know that he entering of some people to the training room was the reason we did not complete our conversation.

I am not willing as was advised, to sit down to discuss "misunderstanding" and I have all the documents to prove otherwise.

I was promised to get the raise in two installments (one by January 2004), as so many others in our department.

I will let Joan Anderson know that what you have said for over a year now has nothing to do with misunderstanding, and it should not be a base for the meeting as all the facts point to.

Regards

Aalaeldin Khirawi

-----Original Message-----

**From:** Miles, Ruby

**Sent:** Wed 1/21/2004 2:35 PM

**To:** Khirawi, Aalaeldin

**Cc:**

**Subject:** RE: Quality Representative

Al,

Let's discuss this at our meeting with Joan Anderson tomorrow.

*Thanks,*

*Ruby Miles*

*QA Manager*

*Performance Management*

Phone: 713-852-5659

Cell: 281-830-9853

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-----Original Message-----

**From:** Khirawi, Aalaeldin

**Sent:** Wednesday, January 21, 2004 12:59 PM

**GETR0921**

1/22/2004

**To:** Miles, Ruby  
**Subject:** RE: Quality Representative

Ruby

Yes it has changed.

I have being referred to as "Assessor" in all of your e-mails.

I have not done what this job is requiring @ all, and with your own instructions, and to suggest otherwise would be beyond the facts and events.

I have promised by some mangers that the raise would be in two installments and this job starts @ \$39.000.00 and I just get \$ 36.000.00

You have changed every thing you have stated in your e-mails to me (I have them saved).

And this is not a misunderstanding as HR has suggested by a systematic denial of promises and facts

I am sorry, I prefer all our interactions to be via e-mails to protect my record and see why every thing you have said have been changing.

You once again did not tell me what is the role of Mr. Galiuea would be .( Please include that in your e-mail)

Regards

Al,

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Mon 1/19/2004 4:31 PM  
**To:** Khirawi, Aalaeldin  
**Cc:**  
**Subject:** RE: Quality Representative

Yes it has changes.

Al,

As we have discussed on numerous occasions, there are no plans for any salary actions for you at this time. Please keep in mind that your job title has not changed. If you want to discuss this further, please call me tomorrow.

*Thanks,*

**Ruby Miles**  
**QA Manager**  
**Performance Management**  
Phone: 713-852-5659  
Cell: 281-830-9853

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-----Original Message-----

**From:** Khirawi, Aalaeldin

**GETR0922**

1/22/2004

**Sent:** Monday, January 19, 2004 2:43 PM  
**To:** Miles, Ruby  
**Subject:** Quality Representative

This new job's pay range is \$39,000.00 to \$48,100.00 .  
As I told you before , there was an agreement , if I am to take it, to give me the raise in two installments.  
One was in September of 2003 and the other one in January of 2004.  
You can always talk to Paul about this.

Your response is highly appreciated


Hello Ruby

An issue that I forgot to raise during our last meeting.  
You have confirmed that the job is called Quality Representative .  
I know it is a level 3 job, its family is TS and the code is 40500304.  
Fro what I understand its pay rate is higher than the quality assessor's, which I have been for the last 4 month.  
Since I am still waiting for the response on my situation with the pay compensation as was promised to me, can you please advise on those issues?  
Also, advise on Paul Galipeau's future role with me.

**Aalaeldin Khirawi**  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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 Upgrade Your Email - Click here!

GETR0923



# EXHIBIT 11

## **Khirawi, Aalaeldin**

**From:** Khirawi, Aalaeldin  
**Sent:** Wednesday, January 28, 2004 10:05 AM  
**To:** Anderson, Joan  
**Cc:** Miles, Ruby; George, Gayla  
**Subject:** RE: Meeting  
**Sensitivity:** Confidential

Joan

*The following is my response.*

- 1) My concern and complaint was not the length of time alone, which was confirmed by Gayla and Ruby, it was longer than expected (between October 2002 and September 2003). And even took longer than usual between June 2003 and September 2003 even after witness was installed and Management did change.*
- 2) My complaint was also based on the fact that, Ruby did offer me, with her confirmation; some minimum offers to start, based on my education and experience. She also confirmed in the meeting that I did refuse to sign the offer until I was promised by Paul Galipeau, that the scheduled increase would be done in two installments (One in September 2003 and one in January of 2004).*
- 3) I understand now that the company does not have a minimum base for salary, but I was so told by Ruby Miles and Paul Galipeau, that based on my education and credentials that would not be the case and Ruby Miles did confirm that in our meeting.*
- 4) Ruby Miles also confirmed that I did not want to sign the written offer of \$ 36000.00, and I just did so after receiving a verbal offer from Paul Galipeau with the two installments increase as I mentioned above.*
- 5) Ruby did confirm that she did say to me the reasons why I was not given what was offered to me by her and the history of my qualifications and education were racial. She sounded very confident and truthful then and did sound very afraid and apologetic and to some extent anxious in the meeting.*
- 6) I have chosen to believe her statement then, just because other e-mails from her made it just logical to do so.*
- 7) Once again you did not respond to my request to address previous incidents regarding a pattern of denying me new jobs and tasks (The AERO PROJECT).*
- 8) I have long felt and thought that my religion and race have been the factors why my education and qualification did not serve my career and future in this company, and what Ruby Miles, my manager and the person who has affected too many events in my career and life lately confirmed..*
- 9) Mr. Terrance Freeman denied ever meeting me in person, and that was not addressed yet.*
- 10) My relationship with Ruby Miles was never out of the professional guidelines, and if so, I would like her to prove it.*
- 11) I know, written documents are the bases for the best testimony, yet I do believe what managers told me and promised to do have been approved by Ruby Miles in the meeting, and they do contribute to my long standing on the issue of discrimination.*
- 12) Ruby Miles needs to give better explanation of why saying in the meeting that "in my case" there was no base of racial discrimination, yet did confirm saying that it was.*  
*And if she could not obtain the evidence for that, then how could I ever trust our professional relationship again on an issue*

8/5/2004

*so sensitive and serious. And if she has the evidence and she is unwilling to show it, then I would not be comfortable dealing with some one who is denying me the right to be.  
And she needs to know that she is obligated by the law to come forward with such information.*

*Please let me know if this will be your final findings.*

*My family and I have decided to stand once and for all for my rights and future, and I will be seeking professional help if I am not satisfied with the company's findings.*

*I have spent a lot resources and money in my education and career to compete in a very tough market and if any thing other than my qualifications and education is hindering me then I have to resolve it.*

*Otherwise I would be moving in a circle of uncertainties.*

*Unfortunately it justifies every thing, but the fact that my manger did at one point thought my career has been subjected to racial discrimination*

*I would like to take the opportunity to thank you for your effort.*

*Aalaeldin Khirawi*

-----Original Message-----

**From:** Anderson, Joan

**Sent:** Wednesday, January 28, 2004 9:07 AM

**To:** Khirawi, Aalaeldin

**Cc:** Miles, Ruby; George, Gayla

**Subject:** Meeting

**Sensitivity:** Confidential

Aalaeldin,

The following is a summary of our meeting on Thursday, January 22, 2004 with Ruby Miles and Gayla George. The purpose of the meeting was to resolve potential misunderstandings between you and Ruby.

- It was determined that the length of time to process the offer for your current position was due to a change in senior management, the fact that ICM must be installed prior to Witness being implemented, the delay in getting Witness software up and running, and the required approvals for your increase which was outside of the 2003 salary plan.
- We discussed the definition of reference pay and that there is no "minimum" pay for positions at Getronics, other than minimum wage as defined by state law.
- You accepted Ruby's offer of 36k for your current position and there was no reference in your offer letter to any additional future compensation for this position. While managers may wish to offer employees more, in terms of salary or bonuses, it is not always possible due to budget constraints. You received a 33% increase which is a more than fair increase for this new role.
- We stated that your job title is Quality Representative and that your title and salary will remain the same.
- Your request to take two classes through the tuition reimbursement or training assistance programs was denied because the courses were not job related and there were budget constraints. Gayla offered to review your request again if you so desired.
- Ruby stated she does not believe the salary offered to you was in any way based on your race.

8/5/2004

In summary, neither Getronics nor your manager, Ruby Miles, believes your salary is based on your race. We hope and expect that you and Ruby will continue to work together in a professional manner.

Thank you for your participation in the meeting.

Joan Anderson  
HR Consultant  
Human Resources

**Getronics North America Operations**

836 North Street  
M/S 027-22A  
Tewksbury, MA 01576

Tel: 978-858-8895  
Fax: 978-858-6306  
email: joan.anderson@getronics.com  
[www.getronics.com/us](http://www.getronics.com/us)

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Thank you.

8/5/2004

# **EXHIBIT 12**

**From:** Miles, Ruby  
**Sent:** Wednesday, January 28, 2004 10:50 AM  
**To:** Hoffman, James  
**Subject:** FW: Meeting  
**Sensitivity:** Confidential

Vell Jim - looks like I wrote to you too soon! This is not going away anytime in the near future. His statement about "going to seek professional help if he's not satisfied with the company's findings..." wow! Joan's next step is Legal...

Jim is a very talented person, but I don't see how we'll ever get together to do the work that we need to do as a group...

I'll keep you posted...

Thanks,

**Ruby Miles**  
**HR Manager**  
**Performance Management**  
Phone: 713-852-5659  
Cell: 281-830-9853

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-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Wednesday, January 28, 2004 9:05 AM  
**To:** Anderson, Joan  
**Cc:** Miles, Ruby; George, Gayla  
**Subject:** RE: Meeting  
**Sensitivity:** Confidential

Hi

The following is my response.

- 1. My concern and complaint was not the length of time alone, which was confirmed by Gayla and Ruby, it was longer than expected (between October 2002 and September 2003). And even took longer than usual between June 2003 and September 2003 even after witness was installed and Management did change.
- 2. My complaint was also based on the fact that, Ruby did offer me, with her confirmation; some minimum offers to start, based on my education and experience. She also confirmed in the meeting that I did refuse to sign the offer until I was promised by Paul Galipeau, that the scheduled increase would be done in two installments (One in September 2003 and one in January of 2004).
- 3. I understand now that the company does not have a minimum base for salary, but I was so told by Ruby Miles and Paul Galipeau, that based on my education and credentials that would not be the case and Ruby Miles did confirm that in our meeting.
- 4. Ruby Miles also confirmed that I did not want to sign the written offer of \$ 36000.00, and I just did so after receiving a verbal offer from Paul Galipeau with the two installments increase as I mentioned above.

Ruby did confirm that she did say to me the reasons why I was not given what was offered to me by her and the history of my qualifications and education were racial. She sounded very confident and truthful then and did sound very afraid and apologetic and to some extent anxious in the meeting.

GETR0331

1/26/2005

I have chosen to believe her statement then, just because other e-mails from her made it just logical to do so.

Once again you did not respond to my request to address previous incidents regarding a pattern of denying me new jobs and tasks (The AERO PROJECT).

I have long felt and thought that my religion and race have been the factors why my education and qualification did not serve my career and future in this company, and what Ruby Miles, my manager and the person who has affected too many events in my career and life lately confirmed..

Mr. Terrance Freeman denied ever meeting me in person, and that was not addressed yet.

My relationship with Ruby Miles was never out of the professional guidelines, and if so, I would like her to prove it.

I know, written documents are the bases for the best testimony, yet I do believe what managers told me and promised to do have been approved by Ruby Miles in the meeting, and they do contribute to my long standing on the issue of discrimination.

Ruby Miles needs to give better explanation of why saying in the meeting that "in my case" there was no base of racial discrimination, yet did confirm saying that it was.

And if she could not obtain the evidence for that, then how could I ever trust our professional relationship again on an issue so sensitive and serious. And if she has the evidence and she is unwilling to show it, then I would not be comfortable dealing with some one who is denying me the right to be.

And she needs to know that she is obligated by the law to come forward with such information.

Please let me know if this will be your final findings.

My family and I have decided to stand once and for all for my rights and future, and I will be seeking professional help if I am not satisfied with the company's findings.

I have spent a lot resources and money in my education and career to compete in a very tough market and if any thing other than my qualifications and education is hindering me then I have to resolve it.

Otherwise I would be moving in a circle of uncertainties.

Unfortunately it justifies every thing, but the fact that my manger did at one point thought my career has been subjected to racial discrimination

would like to take the opportunity to thank you for your effort.

Aalaeldin Khirawi

-----Original Message-----

From: Anderson, Joan

Sent: Wednesday, January 28, 2004 9:07 AM

To: Khirawi, Aalaeldin

C: Miles, Ruby; George, Gayla

Subject: Meeting

Sensitivity: Confidential

GETR0332

Aalaeldin,

The following is a summary of our meeting on Thursday, January 22, 2004 with Ruby Miles and Gayla George. The purpose of the meeting was to resolve potential misunderstandings between you and Ruby.

- It was determined that the length of time to process the offer for your current position was due to a change in senior management, the fact that ICM must be installed prior to Witness being implemented, the delay in getting Witness software up and running, and the required approvals for your increase which was outside of the 2003 salary plan.
- We discussed the definition of reference pay and that there is no "minimum" pay for positions at Getronics, other than minimum wage as defined by state law.
- You accepted Ruby's offer of 36k for your current position and there was no reference in your offer letter to any additional

1/26/2005

future compensation for this position. While managers may wish to offer employees more, in terms of salary or bonuses, it is not always possible due to budget constraints. You received a 33% increase which is a more than fair increase for this new role.

- We stated that your job title is Quality Representative and that your title and salary will remain the same.
- Your request to take two classes through the tuition reimbursement or training assistance programs was denied because the courses were not job related and there were budget constraints. Gayla offered to review your request again if you so desired.
- Ruby stated she does not believe the salary offered to you was in any way based on your race.

In summary, neither Getronics nor your manager, Ruby Miles, believes your salary is based on your race. We hope and expect that you and Ruby will continue to work together in a professional manner.

Thank you for your participation in the meeting.

Joan Anderson  
HR Consultant  
Human Resources

Getronics North America Operations  
36 North Street  
1/S 027-22A  
Newbury, MA 01876

tel: 978-858-8895  
fax: 978-858-6306  
mail: joan.anderson@getronics.com  
[www.getronics.com/us](http://www.getronics.com/us)

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Thank you.

GETR0333

4/26/2005



# **EXHIBIT 13**

REDACTED

-----Original Message-----

From: Khirawi, Aalaelain

Sent: Monday, February 23, 2004 2:42 PM

To: Miles, Ruby; McHenry, Patrick; Anderson-Jones, Tiffany

Cc: Dining, Dorothy; Galipeau, Paul; Freeman, Terence; Anderson, Joan; George, Gayla; Hoffman, James

Subject: RE: Checklist Feedback Review

Ruby

My tone was professional enough and I did not ask you to apologize for me.

I did, however ask Patrick to apologize for telling me to shut-up.

GETR0908

He also , with very bad temper told me that I was the one who was slowing things down

He does need to apologize for what he has told me , to continue working with him  
You , have received an e-mail from me before this one asking about Patrick's role in the project.

however did receive a response back to this one and not to the first one.  
, am really very troubled by your affirmation that he did not " tell me to shut-up, yet Tiffany has told me on a phone conversation that she did not hear, nor remember him saying it.  
She did not confirm not saying it, but you seem to confirm he did not , and you were not there in the meeting!!!!!!!!!!  
My tone is very professional and once aging, he is the one who should apologize for his attitude, expressions and behaviors

I do insist he apologize for what he did  
He did admit to Dorothy that he blew up unnecessarily in the meeting as I was told.

Please have him apologize and be professional so we can proceed with the project at hand

Aalaeldin Khirawi  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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-----Original Message-----

From: Miles, Ruby  
Sent: Monday, February 23, 2004 3:26 PM  
To: Khirawi, Aalaeldin; McHenry, Patrick; Anderson-Jones, Tiffany  
Cc: Dining, Dorothy; Galipeau, Paul; Freeman, Terence; Anderson, Joan; George, Gayla; Hoffman, James  
Subject: RE: Checklist Feedback Review

Al,

First of all, let me apologize on your behalf for sending this out. Your tone within this email is very inappropriate. As I understand it, Tiffany did not participate in this and tried to get you not to send it and to speak with me beforehand. I will not address every issue, but I will address the main one. I have spoken to both Patrick and Tiffany and from both accounts of the incident, Patrick never told you to "Shut Up". He did however, request that he'd like to finish what he was saying before he was interrupted again...since he is project lead, he was trying to take back control of the meeting. Whether his comments to you were rude/forceful or disrespectful, there is a certain demeanor that I expect from my group and that is not to retaliate. If you were bothered by Patrick's comments, you should have called/emailed me and we could have discussed it and then I would have handled the situation with his manager, Dorothy Dining. Dorothy has designated Patrick the lead on this project and we (Tiffany, Al, Ruby - Performance Management) are here to support them and gather input/information as we have been doing so that when the assessment form is revised, it will accomplish two things: to make the assessments more technical/usable by MSD and to provide our group with valid trending data.

If you have any further issues within the ESC, please notify me and I will take the appropriate action..

Thanks,

Ruby Miles  
QA Manager  
Performance Management  
Phone: 713-852-5659  
Cell: 281-830-9853

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GETR0909

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-----Original Message-----

From: Khirawi, Aalaeldin  
Sent: Monday, February 23, 2004 12:08 PM  
To: McHenry, Patrick; Anderson-Jones, Tiffany  
Cc: Dining, Dorothy; Galipeau, Paul; Miles, Ruby  
Subject: RE: Checklist Feedback Review

Patrick

You have demonstrated a very unprofessional behavior on the net-meeting we had this morning over the phone. Using the expression "Shut up" was demeaning and disrespectful.

Labeling me as the one who slows things down was untruthful and false.

Tiffany was the one who said that your way and discussions were the one that wasted our time.

You have not demonstrated any understanding or knowledge of the nature of what E-quality does.

And here are the facts:

- 1) Your complete lack of understanding of what the MSD check list does and how we use it.
- 2) Contract specific call flow Vs technical procedures for each problem solving processes.
- 3) Analyst's role in the different skill set.
- 4) The role of E-quality within the six sigma project.
- 5) Inductive Vs Deductive reasoning ( General Vs Specific)
- 6) Witness system .

All of the above are very essential for any one to facilitate such meetings and for the project underway.

Once again I would like you to apologize for using those angry expressions against me and admit that you are the one who has been wasting our time as Tiffany and my self thought of the way you have conducted yourself.

Professional attitude is the only way for me to deal with and through you in the future

Aalaeldin Khirawi  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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-----Original Message-----

From: McHenry, Patrick  
Sent: Monday, February 23, 2004 12:59 PM  
To: Khirawi, Aalaeldin; Anderson-Jones, Tiffany  
Cc: Dining, Dorothy; Galipeau, Paul; Miles, Ruby  
Subject: Checklist Feedback Review

Tiffany and Al,

will not be able to continue our meeting to review the feedback with both of you later today. Attached are the changes made so far for the checklist and the feedback from Houston. Please review the feedback and make recommendations for changes to the checklist based on the feedback. Please combine your recommendations and send them back to me for review. We can discuss the progress we have made so far in the meeting tomorrow and plan future meetings to continue revising the checklist.

GETR0910

Thanks

Patrick McHenry

Team Manager

Enterprised Managed Services

Getronics Infrastructure Solutions

Getronics North America Operations

9009 West Loop South, Suite 500

Houston, TX 77096 USA

Tel: +01 713-852-5919

Fax: +01 713-852-5700

Email: [patrick.mchenry@getronics.com](mailto:patrick.mchenry@getronics.com)

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<http://www.getronics.com/> <http://www.getronics.com>

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Thank you.

**GETR0911**

# **EXHIBIT 14**

## Khirawi, Aalaeldin

---

**From:** Miles, Ruby  
**Sent:** Monday, February 23, 2004 4:42 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: AI's 2003 PMP Review

AI,

Patrick McHenry is the Team Manager for bp and was chosen by Dorothy (this is her project to lead not ours since the call assessment form is used mainly by MSD - in fact, no one else uses it at this time - NMC and Vantive Ops were being assessed, but not anymore) to lead it. That's not to say that we don't have valuable input because we need to be able to get valid trending data as well as the MSD needing more technical/useful assessments.

*Thanks,*

**Ruby Miles**  
**QA Manager**  
**Performance Management**  
Phone: 713-852-5659  
Cell: 281-830-9853

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-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, February 23, 2004 11:27 AM  
**To:** Miles, Ruby  
**Subject:** RE: AI's 2003 PMP Review

*I have been very busy for nothing actually  
Patrick has been wasting our time for nothing  
Tiffany did confirm that  
I will be doing the evaluation as soon as today.  
One question  
Who is Patrick Mchenrry ?  
And why giving him the role to lead Tiffany and my self?  
He has been wasting our time greatly*

**Aalaeldin Khirawi**  
**E-Quality/Training**  
**Tewksbury MA, USA**  
(978) 858-7761  
(978) 858-7232

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# EXHIBIT 15



## **Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, March 01, 2004 9:30 AM  
**To:** Miles, Ruby  
**Subject:** RE: PMP

is  
978-858-6166

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Monday, March 01, 2004 9:28 AM  
**To:** Khirawi, Aalaeldin  
**Subject:** PMP  
**Importance:** High

Al,

Do you have a faxination number - that way I can fax your PMP directly to that number? We don't have it here in Houston, but I can send you yours that way if you have it. If not, please send me your regular fax and I will fax your PMP around 8:50am which is about 20 minutes from now...

*Thanks,*

**Ruby Miles**  
**QA Manager**  
**Performance Management**  
Phone: 713-852-5659  
Cell: 281-830-9853

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8/5/2004

# **EXHIBIT 16**



## APPRAISAL FORM

### 1. INDIVIDUAL DETAILS

Employee's Name	Employee Number	Business Unit
Aalaeldin Khirawi	69329	ISS – Performance Management
Manager's Name	Date Appraisal Conducted	Date Next Appraisal Due
Ruby Miles	February 26, 2004	February, 2005

Rating Summary *(complete after the appraisal has been conducted)*

Overall Performance Rating *(enter 1 2 3 or 4)* 3

### 2. INSTRUCTIONS

- Follow the prompts to rate the employee's performance against
  - Individual Objectives Section 3(A)
  - Corporate Values and Operating Competencies Section 3(B)
  - Overall Performance Section 3(C)
- Rate performance using a number from the following rating scale
  1. Less than acceptable or only marginally acceptable and should improve
  2. Meets all requirements and sometimes exceeds them
  3. Usually exceeds the requirements
  4. Always exceeds requirements and enhances Getronics performance
- Rate completely acceptable performance as '2'. When providing a higher or lower rating, make sure that the rating matches its description on the rating scale
- Enter the overall rating in the summary box (above)

#### IMPORTANT NOTE

This document contains guidelines for the successful implementation of effective employee performance management practices which Getronics may tailor or change as necessary. While they are designed to encourage a candid and comprehensive exchange of information, they do not constitute contractual commitments that the exchange will occur or will occur in the precise format described. These materials do not constitute a contract of employment for a specific period of time. Rather, they are offered as guides to help managers and employees review performance, achievement and development on a periodic basis, as appropriate.

### 3. RATING AN EMPLOYEE'S RESULTS AND ACHIEVEMENTS

#### A. INDIVIDUAL OBJECTIVES

At the beginning of the appraisal period:

- Agree with the employee on between three to five objectives to be met by the end of the appraisal period
- Write them on this page (or use an attachment if required)
- Sign the bottom of the page

Before conducting the appraisal meeting:

- Compare the employee's results and achievements with their objectives
- Circle a rating for each objective listed on this page
- Provide an overall assessment of achievement of individual objectives

#### INDIVIDUAL OBJECTIVES

(provide as an attachment if preferred)

#### COMMENTS

#### RATING

(enter 1, 2, 3 or 4)

1. Provide feedback to Service Desk Management on ways to increase efficiency of the assessment process and the quality of the assessments.	Aalaeldin always provides feedback to the Service Desk Management on ways improve the work environment.	3
2. Escalate to Service Desk Management as well as QA Team whenever there are calls that fail the assessment process and/or handled incorrectly.	Aalaeldin escalates calls and keeps the Service Desk and QA involved as to the status of the calls, but has never calibrated any calls with other assessors.	3
3. Uses the eQuality system to grade calls according to predefined specifications (i.e. blue, green, yellow or red)	Aalaeldin uses the eQuality automated system to listen to and grade all calls.	2
4. Work within the QA Team to develop and implement processes/procedures to improve and enhance the efficiency of the Service Desk desk analysts.	Aalaeldin has created metrics for the Tewksbury Service Desk Management, but they were placed on hold until just recently (02/01/04). The reports were very informative and will probably be implemented at both sites.	3
5. Complete Safety, ITIL courses as designated by the ESC and QA Manager.	Aalaeldin completed the designated courses in the allotted time.	3
OVERALL ASSESSMENT		3

#### ACKNOWLEDGEMENT OF INDIVIDUAL OBJECTIVES

Manager

Signature

*Ruby M. Ali*

Date

*March 04*

Employee

Signature

*Aalaeldin*

Date

*3/1/04*

- ☒ Has the employee's PMP appraisal considered the employee's awareness of and commitment to adhere to the Company's Standards of Ethics and Business Conduct policy?

- ☒ Has the employee's PMP appraisal considered the employee's commitment to follow all applicable regulations that govern his or her areas of work?

## B. CORPORATE VALUES AND OPERATING COMPETENCIES

Provide a rating against each operating competency, and an overall assessment at the bottom of the page.

### CORPORATE VALUES

### OPERATING COMPETENCIES

### RATING

(enter 1 2 3 or 4)

Customer Focus - Commitment to deliver an unparalleled experience to the customer (internal and external)	<ul style="list-style-type: none"> <li>Takes ownership of customer requirements/issues and recommends appropriate solutions.</li> <li>Communicates regularly with the customer in a clear and concise manner without inviting confrontation.</li> <li>Maintains a pro-active, positive, professional relationship with customers.</li> </ul>	4
Trust and Respect	<ul style="list-style-type: none"> <li>Seeks input from others, honours commitments, and is open to feedback from others.</li> <li>Shares information with team members and customers.</li> <li>Demonstrates high ethical standards and respect for all team members and customers. Includes others in the decision-making process.</li> </ul>	3
Results-oriented	<ul style="list-style-type: none"> <li>Assesses his/her success by using appropriate, agreed upon quantitative and/or qualitative measurements.</li> <li>Makes and keeps realistic promises and pushes him/herself to achieve results.</li> <li>Does not confuse the value of effort with the value of achieving results and applies a high level of expertise to deliver them.</li> </ul>	3
Authority/ Knowing our brief	<ul style="list-style-type: none"> <li>Takes responsibility for actions within the boundaries of his/her role and refers issues to others as appropriate.</li> <li>Assumes responsibility for decisions and resolves issues.</li> <li>Demonstrates expertise within his/her own discipline. Stays abreast of changes in field and upgrades skills accordingly.</li> </ul>	3
Teamwork	<ul style="list-style-type: none"> <li>Demonstrates commitment to group goals and purpose. Focuses on the success of the business and supports department goals through individual acts.</li> <li>Helps others to find solutions to problems.</li> <li>Establishes and maintains effective working relationships.</li> </ul>	3
Open Communication	<ul style="list-style-type: none"> <li>Regularly communicates expectations, information, priorities, and goals.</li> <li>Expresses oneself articulately in written and verbal communications to each particular audience.</li> <li>Evaluates feedback from audience and replies in a professional manner.</li> </ul>	3
Recognise and Reward	<ul style="list-style-type: none"> <li>Acknowledges contributions made by team members.</li> <li>Provides timely feedback.</li> <li>Recognises the expected and seeks opportunities to reward the exceptional.</li> </ul>	3
Empowerment and Accountability	<ul style="list-style-type: none"> <li>Takes initiative and seeks support to achieve objectives.</li> <li>Holds him/herself and others to measurable, corporate and customer standards.</li> <li>Leverages a network of contacts across the, profession and industry.</li> </ul>	3

OVERALL  
ASSESSMENT

3

### C. OVERALL PERFORMANCE RATING

List any other factors that should be taken into account when rating performance (provide as an attachment if preferred), then enter an overall performance rating.

**OVERALL  
RATING**

(enter 1 2 3 or 4)

**OTHER FACTORS INFLUENCING**

**OVERALL PERFORMANCE RATING**

3	Please see above information.

### 4. DEVELOPMENT PLANNING

List the job competencies and/or skills to be developed by the end of the next appraisal period and/or any additional strategic initiative, service or solution of which employee must display quantifiably improved knowledge through training or self-study. (Refer to **Manager Guide to Development Planning**; provide as an attachment if preferred.)

Aalaeldin will be responsible for taking several GUV and job-related courses which which will enhance your capabilities even further:
Designated Six-Sigma & ITIL Training
Coaching in a Service-Oriented Culture
Establishing Your Team's Desired Performance
Building a High Performance Team
The Self-Directed Project Team Member
Managing Customer-Driven Process Improvement Simualtion

5. SIGNATURES AND COMMENTS

SIGNATURE AND DATE

COMMENTS (provide as an attachment if preferred)

Manager

*Billy Miles*

Signature

*March 04*

Date

Employee

*Alan L.*

Signature

*3/01/04*

Date

*I think it is  
a Fair Appraisal*



Attachments (check and enter number)

**6. ATTACHMENT**Continued from section ☐


Continued from section ☐


Continued from section ☐


Manager

Signature

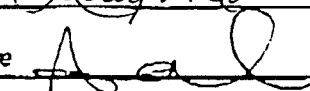


Date

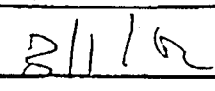


Employee

Signature



Date





# EXHIBIT 17

**WRITTEN REPRIMAND****Date of Reprimand:** 03/01/04**Date of Verbal Warning:****Employee Name:** Aalaeldin Khirawi**Date of Occurrence:** 02/25/04**Details of Occurrence:**

- On Wednesday morning, 02/25/04, Aalaeldin Khirawi called me (Ruby Miles) on my company cell phone to ask why I had not answered one of his emails from the previous day (02/24/04). This email was concerning a meeting that Ruby Miles, Tiffany Anderson-Jones and Aalaeldin were supposed to have after Tiffany, Aaleldin & Patrick's meeting on 02/23/04. Ruby proceeded to explain to that she was busy and did not get to the email. Aalaeldin became angry and insubordinate. Please see below:
  - In an email dated 02/23/04; 12:08pm Aalaeldin sent an email to Patrick McHenry & Tiffany Anderson-Jones (cc: Paul Galipeau, Dorothy Dining, Ruby Miles) in response to a meeting that had taken place earlier in the day. In the email among other things, he was requesting an apology from Patrick because he considered Patrick's behavior on the earlier teleconference to be very unprofessional.
  - After receiving the email, I proceeded to gather information from Patrick & Tiffany and sent an email back to the same distribution list apologizing for Aalaedin's actions. Aalaeldin became even more angry and responded with an email that his tone was professional and that he did not need me to apologize for him.
  - After a couple of emails back & forth, the situation digressed. On Wednesday morning, 02/25/04, Aalaeldin called Ruby on her cell phone to ask about her not responding to his previous day's email. She told him that she had been busy. This was not a good enough reason for him. He proceeded to ask her why she apologized in the email (mentioned above); that he didn't need her to do that. Ruby stated that it was necessary, that we (Performance Management) must work with all groups and just because Aalaedin wasn't aware of "who" Patrick was and how he became designated lead or why we didn't have our meeting that afternoon, was no excuse. Ruby also informed Aalaedin that he must continue to work with Patrick whether he wanted to or not – that she was his manager; and we all have to work together as Team no matter what. Aalaeldin stated that he was not going work with Patrick because he was the one wasting Aalaeldin's & Tiffany's time; plus he wanted an apology before going forward. Ruby tried to interject that she was his manager and he was to do as she instructed. That's when he told her that she was "weak" and that he did not trust her. As she proceeded to tell him to "watch" his words, he hung up the telephone.

**Corrective Action to be Taken:**

- He must continue to work with whomever is designated lead on this project or any other project that this group is involved in the future.
- He must convey a professional demeanor at all times.

You are expected to demonstrate immediate, significant and sustained improvement in your performance improvement plan. Failure to show such improvement may subject you to further disciplinary action (up to and including termination) at any time during the plan period. In addition to meeting the plan objectives, you are expected to perform satisfactorily all other job duties. You must also continue to fulfill the plan requirements after the plan period has ended. Failure to sustain the level of performance required by the plan beyond the plan period may subject you to further disciplinary action (up to and including termination), without additional notice.

Effective Date of Action: 03/01/04 Subsequent Review Date: 06/01/04

Employee Signature

*Emily Miles*

Manager/Supervisor Signature

*[Signature]*

Human Resources Signature

Date

26 Feb 04

Date

2/26/04

Date

NOTE: Place in emp. File

# **EXHIBIT 18**

# REDACTED

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 04, 2004 3:05 PM  
**To:** Miles, Ruby  
**Subject:** RE: Written Reprimand

Is located in the middle of the area where all the analysts (All contracts) , are sitting.

The issue now is who took the papers you have sent?

And why?

One of the Target contract , her name is Patricia, said she saw some people around , during the time frame you stated in you VM.

The rest I asked said no one saw them

I am very nervous and think that I have been violated

*Aalaeldin Khirawi*

*E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232*

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-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, March 04, 2004 4:00 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Written Reprimand

Al,

Can you tell me where the fax is located so that we can ensure the confidentiality of the information.

.hanks,

**Ruby Miles**  
**QA Manager**  
**Performance Management**

Phone: 713-852-5659  
Cell: 281-830-9853

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-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 04, 2004 2:37 PM  
**To:** Miles, Ruby  
**Cc:** Freeman, Terence; George, Gayla  
**Subject:** RE: Written Reprimand

I could not find them any where!!!!

I have be asking co-workers and passing by colleagues, none was seen

Please let me know when did you send them ( Exact time), and if you have received any confirmation of their arrival?

This is a private matter and I do not like others to know about it, unless that was something you condone.

Please answer me back ASAP

**Aalaeldin Khirawi**  
**E-Quality/Training**  
**Tewksbury MA, USA**  
**(978) 858-7761**  
**(978) 858-7232**

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-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 04, 2004 3:19 PM  
**To:** Miles, Ruby  
**Cc:** Freeman, Terence; George, Gayla  
**Subject:** RE: Written Reprimand

Mrs. Miles

I just came back from the men's room, and found one voice message from you .

I thought you have sent me an invitation , and not an order to attend a meeting with Mr. Freeman and yourself to discuss a written Reprimand.

The invitation has three options, one of them is to deny with a message.

I did ask for the meeting to be pushed to Monday for legal issues.

You insisted and the last thing I thought you agreed, because I did not hear back from you.

Any way, the fax machine is located in a public place, and in the past I told you that you have to let me know few minutes prior to any process of sending documents through it, so I can be there waiting.

In your voice message you said you had faxed the papers with allegations for me to read and sign.

I went there and I could not find them.

I am afraid that some one took them by mistake

If that happened , then I think you have crossed a very serious line of professionalism and privacy.

Please make sure, when you sent them and if they really arrived to the fax #

978-858-6166

Regards

*I will rather meet on Monday*

*Regards*

**Aalaeldin Khirawi**

**E-Quality/Training**

**Tewksbury MA, USA**

**(978) 858-7761**

**(978) 858-7232**

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-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, March 04, 2004 2:00 PM  
**To:** Khirawi, Aalaeldin  
**Cc:** Freeman, Terence  
**Subject:** RE: Written Reprimand

Al,

We are still scheduled to meet at 2pm. I will be contacting you then.

**Thanks,**

**Ruby Miles**

**QA Manager**

**Performance Management**

Phone: 713-852-5659

Cell: 261-830-9853

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-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 04, 2004 12:53 PM  
**To:** Miles, Ruby  
**Cc:** Freeman, Terence  
**Subject:** RE: Written Reprimand

I did not say I was speaking with my attorney then.

I do work on the company's time and not any thing personal, unless you have evidence to suggest otherwise  
What I meant is this:

- 1) I need to speak with my Lawyer regarding this issue.
- 2) My meeting with him is on Friday @ 10.00 am .

So , just because I think it is all connected, I felt like I need to talk to her prior my meeting with you and Mr. Freeman.

So next week will be OK with me, unless you think I do not need my Lawyer to be part of this action, which I think is a result of the fears and concerns I have had all along with you and Mr. Freeman.

Please advise

**Aalaeldin Khirawi**  
*E-Quality/Training*  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, March 04, 2004 1:41 PM  
**To:** Khirawi, Aalaeldin  
**Cc:** Freeman, Terence  
**Subject:** RE: Written Reprimand

Al,

I need to move forward with this at the scheduled time since you are on company time. Speaking to your attorney is personal time.

**Thanks,**

**Ruby Miles**  
**QA Manager**  
**Performance Management**  
Phone: 713-852-5659  
Cell: 281-830-9853

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-----Original Appointment-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 04, 2004 11:20 AM



**To:** Miles, Ruby

**Subject:** Declined: Written Reprimand

**When:** Thursday, March 04, 2004 2:00 PM-2:30 PM (GMT-06:00) Central Time (US & Canada).

**Where:** Terence Freeman's Office

*Today is bad time for me*

*I will suggest to be next week, just because I am working with my lawyer regarding other issues concerning yourself,  
HR and my position with the whole deal*

*Regards*

# EXHIBIT 19

## Khirawi, Aalaeldin

---

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 04, 2004 5:02 PM  
**To:** Freeman, Terence  
**Cc:** George, Gayla  
**Subject:** Faxed sensitive papers to a public place  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am to ask for an investigation to see why Ruby Miles, my immediate Manger, did fax such sensitive information to a public fax machine, knowing very well that it is a public machine on a time she was aware that I did not, yet accept her invitation to do so.

I have e-mails sent to her months ago, explaining very well the location of the fax machine and the request for her to call me few minutes prior her action of sending any documents via the fax.

After I reviewed the subject matter of the document, I became very troubled by the fact that she did send such information, knowing very well I am not out there waiting for them.

Accordingly, I would like to have an investigation open to see why Mrs.. Miles is taking so many steps to retaliate against my current complain as the one who told me that racism is part of this company's culture.

Mrs.. Miles had proven to me again that she could use her management power to violate my rights, and my integrity in this company, and that is very serious, as far as my professional relationship with her.

I am asking you to investigate and give me the directions to how I can protect my self, my career and my privacy in this company against her continuous effort to violate them.

I am really suffering very much of the way she had approached every single interaction, since the time she was confronted by the ongoing HR investigation of her statement made regarding the existence of the racial culture and practice in Getronics.

Regards

**Aalaeldin Khirawi**  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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8/5/2004

# **EXHIBIT 20**

-----Original Message-----

**From:** Khirawi, Aalaeldin

**Sent:** Friday, March 19, 2004 8:44 AM

**To:** Ogg, Wayne

**Cc:** Freeman, Terence; Anderson, Joan; Thomas, Jimmy (HR); George, Gayla; Miles, Ruby; Hoffman, James

**Subject:** RE: Response to your Allegation Sent To Me on 3/18/04

Mr. Ogg

I have not received as of today, any feed back or response into my complaints that Ruby Miles has been consistently retaliating against me.

I had provided some facts and events to support my allegations to HR in Huston via e-mail.

If this means that they did investigate the evidences I have provided, then I have nothing further to discuss.

My appreciations to your involvement'

Regards'

Aalaeldin Khirawi

REDACTED

-----Original Message-----

**From:** Ogg, Wayne

**Sent:** Fri 3/19/2004 9:35 AM

**To:** Khirawi, Aalaeldin

**Cc:** Freeman, Terence; Anderson, Joan; Thomas, Jimmy (HR); George, Gayla; Miles, Ruby; Hoffman, James

**Subject:** Response to your Allegation Sent To Me on 3/18/04

Aalaeldin:

I have consulted my staff and learned that your multiple concerns have been examined. It is my understanding that investigation yielded no evidence to support your allegations of wrongful treatment. Thank you.

Regards,  
Wayne Ogg

GETR0856

3/19/2004

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 18, 2004 3:15 PM  
**To:** Ogg, Wayne  
**Subject:** RE: HR is not responding to me concerns

*Thank you so much Mr Ogg  
My sincere appreciation to the kind response*

**Aalaeldin Khirawi**  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

REDACTED

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-----Original Message-----

**From:** Ogg, Wayne  
**Sent:** Thursday, March 18, 2004 3:13 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: HR is not responding to me concerns

Aalaeldin

Thank you for bring this to my attention. I have asked for a report on this issue. I will provide you with an update before the end of the day tomorrow, Friday March 19th.

regards

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, March 18, 2004 3:04 PM  
**To:** Ogg, Wayne  
**Subject:** HR is not responding to me concerns

3/18/2004

GETR0859

Hello Mr. Ogg

I have been trying to get HR in Huston to investigate my concern that my Immediate Manager Ruby Miles has created an environment for me full of hostility, harassment , doubts and false accusations. She has been doing this because I asked HR to investigate her statement to me that Getronics does condone racial discrimination, she claimed I was subjected to.  
Please help me to investigate the issue

Regards

**Aalaeldin Khirawi**  
E-Quality/Training  
Tewksbury MA, USA  
(978) 858-7761  
(978) 858-7232

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**GETR0860**

3/18/2004

# **EXHIBIT 21**



**From:** Thomas, Jimmy (HR)  
**Sent:** Friday, March 19, 2004 10:53 AM  
**To:** Khirawi, Aalaeldin  
**Cc:** Freeman, Terence; Anderson, Joan; George, Gayla; Miles, Ruby; Hoffman, James; Ogg, Wayne  
**Subject:** Response to your Allegation Sent To Me on 3/18/04

Aalaeldin:

I write on behalf of Director of Human Resources Gayla George.

You are directed to cease and desist from your deluge of email to your manager Ruby Miles. You are further directed to provide her with an answer to the simple question posed to you: Are you working from home on Mondays? Copy me on your response to her. Respond to her question immediately.

Your refusal to answer a direct question of your manager constitutes insubordination. Your communication style with your manager is unacceptable. You will be disciplined for your flagrant displays of insubordination. You will communicate in a professional and measured manner with your manager. Such does not include overuse of the exclamation point, bold font or underline. Professional communication does not include repetitive sending of disrespectful email. You will be judged on your future treatment of your manager.

As you know, investigation into your allegations of inappropriate conduct did not yield evidence to support your claims. Perhaps you are frustrated that you have not received a raise in pay. This potential frustration does not give you license to attack your manager at every opportunity. Such frustration does not permit you to decline your manager's request for a meeting with you.

On March 4, 2004, you knew your manager intended to issue a written reprimand to you. In her meeting request, Ruby Miles identified the facsimile number to which she would send the document and asked you to correct the information if she had the wrong number. You declined the meeting request, demonstrating that you obviously received the message. You were directed to attend the meeting requested by your manager. She sent the written reprimand by facsimile to you to the number you acknowledged, by your silence, was correct. Indeed, you received your PMP document via the same facsimile number only days before your written reprimand was delivered to that number.

Your suggestion that your manager sent the written reprimand to an incorrect number or without your authorization out of retaliation for your internal allegations of discrimination is, in a word, untrue. Contrary to your suggestion that we have not investigated your concerns, we have indeed examined what occurred, which is outlined above. This memo will serve as notice that our investigation into the matter is closed and that we have found no evidence of retaliation or retaliatory intent.

That said, we will not permit you to level allegations of retaliation, discrimination or harassment at your manager with abandon. While Getronics is committed to ensuring that its employees have a workplace free from untoward and inappropriate conduct, Getronics also prohibits the abuse of its complaint procedures. You are directed not to use the words "retaliation," "discrimination" or "harassment" without the exercise of discretion, care and caution. You are officially cautioned that you may not abuse this Company's complaint procedures.

Do not respond to this email. We will be in contact with you to issue disciplinary steps and to outline our expectations and requirements for your workplace conduct. You will receive a Performance Improvement Plan.

Regards,

Jimmy Thomas on behalf of Gayla George.

*This e-mail message and any attachments are confidential and may be privileged. If you are not the intended recipient, please notify me immediately by replying to this message and please destroy all copies of this message and attachments. Thank you.*

# **EXHIBIT 22**

## **Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Friday, March 19, 2004 10:33 PM  
**To:** Khirawi, Aalaeldin; Thomas, Jimmy (HR)  
**Cc:** Freeman, Terence; Anderson, Joan; George, Gayla; Miles, Ruby; Hoffman, James; Ogg, Wayne  
**Subject:** RE: Response to your Allegation Sent To Me on 3/18/04

Mr. Thomas

I am really very confused

And I need to know where my position now is?

Do you mean that I should not be raising any issues like this in the future?

Meaning, if I feel and think my manager or any one else with power over me, has created an environment full of hostility or bitterness and harassment, I should not bring them up and defend my position?

Fearing that HR might think I am abusing the system?

Or when I keep reporting Management abuse, I might be disciplined and intimidated to face more discipline?

I am really very confused and I need help with these questions.

I am raising these questions based on the fact that you have not, yet addressed my other concerns with Ruby Miles (as the one who referenced to racial agendas behind the company's dealing with me), in the e-mail I addressed not to you but to Mr. Freeman and Mrs. George

Please address these issues and concerns, just because I need to know my rights, my status as an employee subjected as I know, to the same equal rights as the rest of us.

Regards

Aalaeldin Khirawi

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Fri 3/19/2004 4:35 PM  
**To:** Khirawi, Aalaeldin; Thomas, Jimmy (HR)  
**Cc:** Freeman, Terence; Anderson, Joan; George, Gayla; Miles, Ruby; Hoffman, James; Ogg, Wayne  
**Subject:** RE: Response to your Allegation Sent To Me on 3/18/04

8/5/2004

Mr. Thomas

This is my second e-mail and I am still waiting for your explanation  
Are you asking me to stop defending myself? and to refrain from expressing my self  
when I feel and think that I have been violated? And my manager has been  
harassing, and using her power to retaliate against my complaint that she once, told  
me that my race was the factor that why I was not paid enough?  
Please let me know as soon as possible.  
Just because the weekend is a long time for me living with the stress of not knowing  
what you mean.

Regards

Aalaeldin Khirawi

-----Original Message-----

**From:** Khirawi, Aalaeldin

**Sent:** Fri 3/19/2004 12:46 PM

**To:** Khirawi, Aalaeldin; Thomas, Jimmy (HR)

**Cc:** Freeman, Terence; Anderson, Joan; George, Gayla; Miles, Ruby; Hoffman, James; Ogg, Wayne

**Subject:** RE: Response to your Allegation Sent To Me on 3/18/04

My apology

My question reads as follows

Mr. Thomas

Are you ordering me refraining from defending my position, facts and to  
correct your set of conclusions?

Please advise

Aalaeldin Khirawi

-----Original Message-----

**From:** Khirawi, Aalaeldin

**Sent:** Fri 3/19/2004 12:26 PM

**To:** Thomas, Jimmy (HR)

**Cc:** Freeman, Terence; Anderson, Joan; George, Gayla; Miles, Ruby; Hoffman, James;  
Ogg, Wayne

**Subject:** RE: Response to your Allegation Sent To Me on 3/18/04

Mr. Thomas

Are you ordering me from refraining to defend my position, facts and to  
correct your set of conclusions?

8/5/2004

Please advise

Aalaeldin Khirawi

-----Original Message-----

**From:** Thomas, Jimmy (HR)

**Sent:** Fri 3/19/2004 10:52 AM

**To:** Khirawi, Aalaeldin

**Cc:** Freeman, Terence; Anderson, Joan; George, Gayla; Miles, Ruby; Hoffman, James; Ogg, Wayne

**Subject:** Response to your Allegation Sent To Me on 3/18/04

Aalaeldin:

I write on behalf of Director of Human Resources Gayla George. You are directed to cease and desist from your deluge of email to your manager Ruby Miles. You are further directed to provide her with an answer to the simple question posed to you: Are you working from home on Mondays? Copy me on your response to her. Respond to her question immediately.

Your refusal to answer a direct question of your manager constitutes insubordination. Your communication style with your manager is unacceptable. You will be disciplined for your flagrant displays of insubordination. You will communicate in a professional and measured manner with your manager. Such does not include overuse of the exclamation point, bold font or underline. Professional communication does not include repetitive sending of disrespectful email. You will be judged on your future treatment of your manager.

As you know, investigation into your allegations of inappropriate conduct did not yield evidence to support your claims. Perhaps you are frustrated that you have not received a raise in pay. This potential frustration does not give you license to attack your manager at every opportunity. Such frustration does not permit you to decline your manager's request for a meeting with you.

On March 4, 2004, you knew your manager intended to issue a written reprimand to you. In her meeting request, Ruby Miles identified the facsimile number to which she would send the document and asked you to correct the information if she had the wrong number. You declined the meeting request, demonstrating that you obviously received the message. You were directed to attend the meeting requested by your manager. She sent the written reprimand by facsimile to you to the number you acknowledged, by your silence, was correct. Indeed, you received your PMP document via the same facsimile number only days before your written reprimand was delivered to that number.

Your suggestion that your manager sent the written reprimand to an incorrect number or without your authorization out of retaliation for your internal allegations of discrimination is, in a word, untrue. Contrary to your suggestion

8/5/2004

that we have not investigated your concerns, we have indeed examined what occurred, which is outlined above. This memo will serve as notice that our investigation into the matter is closed and that we have found no evidence of retaliation or retaliatory intent.

That said, we will not permit you to level allegations of retaliation, discrimination or harassment at your manager with abandon. While Getronics is committed to ensuring that its employees have a workplace free from untoward and inappropriate conduct, Getronics also prohibits the abuse of its complaint procedures. You are directed not to use the words "retaliation," "discrimination" or "harassment" without the exercise of discretion, care and caution. You are officially cautioned that you may not abuse this Company's complaint procedures.

Do not respond to this email. We will be in contact with you to issue disciplinary steps and to outline our expectations and requirements for your workplace conduct. You will receive a Performance Improvement Plan.

Regards,  
Jimmy Thomas on behalf of Gayla George.

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8/5/2004

**Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Friday, March 19, 2004 12:50 PM  
**To:** Khirawi, Aalaeldin; Miles, Ruby  
**Subject:** RE: Mondays

The answer is NO

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, March 18, 2004 11:36 AM  
**To:** Khirawi, Aalaeldin  
**Subject:** Work Schedule

Al,

Are you working from home on Mondays?

**Ruby Miles**  
**QA Manager**  
**Performance Management**  
*Office: (713) 852-5659*  
*Cell: (281) 830-9853*

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8/5/2004



# **EXHIBIT 23**

## PERFORMANCE IMPROVEMENT PLAN

**Date of Reprimand:** March 22, 2004

**Date of Verbal Warning:**

**Employee Name:** Aalaeldin Khirawi

**Dates of Occurrence:** March 18-20, 2004

**Details of Performance Deficiencies:**

On March 4, 2004, you were issued a written reprimand to address your professional demeanor with your manager and teammates. To date you have failed to show significant improvement in the aforementioned areas. Please note that your performance is not consistent with our standards of professionalism and our company values. This letter will serve to advise you of the following specific points of performance failings, which have all been raised with you in the past.

- Your continued refusal to answer a direct question as posed by your manager. Specifically, the question was "Are you working from home on Monday's?"
- On March 19, 2004, you were sent an email from Gayla George (via Jimmy Thomas) regarding your professional demeanor and asked not to respond to this e-mail. You did, however, respond to this e-mail numerous times and relentlessly demanded a return response.
- You continue to use an unacceptable communication style with your manager and others. Professional communication, which is required of you, does not include the overuse of the exclamation point, bold font or underline. Nor does it include repetitive sending of disrespectful emails containing blatant demands and accusations.
- On March 4, 2004 you failed to make yourself available to discuss your written reprimand, although you were aware of your manager's intentions and requests to meet with you. Furthermore, it was necessary to engage Human Resources to call your attendance to this meeting.

In addition, your behavior has violated, at a minimum, the Getronics Rules of Employee Conduct which in summary reads "Refusing to follow, or interfering with, a manager's or supervisor's direction, failing to carry out any reasonable order of supervision, or treating a manager or supervisor in an insubordinate manner of any sort."

**Corrective Action to be Taken:**

Aalaeldin, you must show immediate improvement in the performance failings listed above.

Specifically,

- You will attend all meetings requested by your manager.
- You will respond immediately and politely to all inquiries, requests and directives of your manager.
- You must cease and desist from your deluge of email to your manager and others.
- You are directed not to use the words "retaliation," "discrimination" or "harassment" without the exercise of discretion, care and caution.

- Case 1:05-cv-01877-WGY Document 20-24 Filed 04/05/2007 Page 3 of 4
- You are officially cautioned that you may not abuse the Company's complaint procedures. Please reference the employee handbook, pages 11-13, for dispute resolution procedures. If you disagree with any of the Company's findings, which have been communicated to you, you are directed to use the dispute resolution process.
  - You are directed to provide an answer to your manager's simple question posed to you, which is "Are you working from home on Mondays?" As your manager has indicated to you, your working hours are Monday through Thursday for 10 hours each day in the office. Again, you are directed to copy me on your response to the question.
  - You will communicate both verbally and in writing in a professional and measured manner with your manager. In your communications with your manager or in communications upon which your manager is copied, you may not accuse your manager of making comments or promises that she has stated she did not make.
  - You will focus on the performance of your job duties without anger.

You are expected to demonstrate immediate, significant and sustained improvement in your performance improvement plan. Failure to show such improvement may subject you to further disciplinary action (up to and including termination) at any time during the plan period. In addition to meeting the plan objectives, you are expected to perform satisfactorily all other job duties. You must also continue to fulfill the plan requirements after the plan period has ended. Failure to sustain the level of performance required by the plan beyond the plan period may subject you to further disciplinary action (up to and including termination), without additional notice.

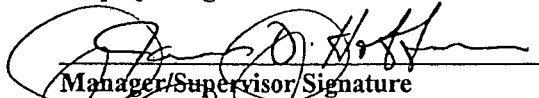
Effective Date of Action: March 23, 2004 Subsequent Review Date: April 23, 2004

Employee REFUSED to sign

Employee Signature

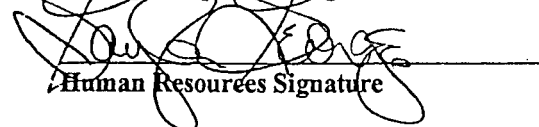
3-25-2004  
Date





Manager/Supervisor Signature

3-23-2004  
Date



Human Resources Signature

3-23-2004  
Date

NOTE: Place in emp. File

Corrective Action to be Taken:

Effective Date of Action:

Subsequent Review Date:

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Manager Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Human Resources

\_\_\_\_\_  
Date

# **EXHIBIT 24**

## EMPLOYEE INPUT DOCUMENT

ORIGINAL

Getronics

Print Date: 04/06/2004

PERSONNEL NUMBER: 69329	SERVICE DATE: 08/28/2000
NAME: Aalaeldin M Khirawi	EMPLOYEE STATUS: Active

<b>ACTIONS</b>	New Validity Date: <u>3/29/04</u>	Action Type: <u>40</u>	Action Reason: <u>(STD)</u>
----------------	-----------------------------------	------------------------	-----------------------------

<b>ORGANIZATIONAL ASSIGNMENT</b>	Current Validity Date: 09/01/2003
Company Code:	NA60 NA60
Personnel Area (LLC):	US02 Enterprise Managed Svc, LLC
Contract (G/L):	800800
EE Group (R/T):	Regular Employee
EE Subgroup (FT/PT):	F/T Salary
Pay Area:	Semi-Monthly
Personnel Sub Area (Location):	MA02 MA Tewksbury
CO Instruction (Hyperion Activity):	
Org Key (Hyperion):	11200 Managed Services
Supervisor:	82772 Ruby Y Miles
Personnel Admin:	Terence P Freeman
Position Number:	10101715 Quality Representative

<b>PLANNED WORKING TIME</b>	Current Validity Date: 12/17/2001
Shift:	1ST SHFT
Standard Hours:	40.00

<b>BASIC PAY</b>	Current Validity Date: 09/01/2003
Semi/Hourly Rate:	\$1,500.00
Annual Salary:	\$36,000.00
Last Increase Date:	09/01/2003
Last Review Rating:	3
Last Review Date:	03/01/2004
	Merit \$/%: _____
	Promotion \$/%: _____
	Adjustment \$/%: _____
	New Annual Rate: _____
	New Hourly Rate: _____
	New Review Rating: _____
	New Review Date: _____

<b>RECURRING PAYMENTS</b>	<b>BENEFITS</b>	Current Validity Date: 12/17/2001
<u>Current Info</u> <u>New Info</u>	<u>Current Info</u> <u>New Info</u>	
Geographical Diff	Holiday Plan (P H Plan)	FLDH
Guarantee/Draw	Vacation Plan	VAC
Lead Pay		
Other		

<b>LEAVE OF ABSENCE</b>	Validity Date: <u>3/29/04</u>	Last Day Worked: <u>3/24/04</u>	Reason Code: <u>(STD)</u>
	Expected Return Date: <u>7</u>		

<b>TERMINATION OF EMPLOYEE (or POSITION)</b>	Validity Date: _____	Last Day Worked: _____	Reason Code: _____
	Weeks Severance: _____	Position Vacancy: _____	or Delimited: _____

Comments: _____	
MGMT Signature & Date: _____	HR Signature & Date: <u>Terence P Freeman 4/5/04</u>
MGMT Signature & Date: _____	Admin Signature & Date: <u>Terence P Freeman 4-8-04</u>

# **EXHIBIT 25**

CEFLONIC2

## EMPLOYEE INPUT DOCUMENT

ORIGINAL

Print Date: 05/11/2004

PERSONNEL NUMBER: 69329

SERVICE DATE: 08/28/2000

NAME: Aalaeldin M Khirawi

EMPLOYEE STATUS: Active

## ACTIONS

New Validity Date: 4/26/04 Action Type: 40 Action Reason: 7 Partial STD

## ORGANIZATIONAL ASSIGNMENT

Current Validity Date: 09/01/2003

Company Code: NA60 NA60  
 Personnel Area (LLC): US02 Enterprise Managed Svc, LLC  
 Contract (C/L): 800800  
 EE Group (R/T): Regular Employee  
 EE Subgroup (FT/PT): F/T Salary  
 Pay Area: Semi-Monthly  
 Personnel Sub Area (Location): MA02 MA Tewksbury  
 CO Instruction (Hyperion Activity):  
 Org Key (Hyperion): 11200 Managed Services  
 Supervisor: 82772 Ruby Y Miles  
 Personnel Admin: Terence P Freeman  
 Position Number: 10101715 Quality Representative

## PLANNED WORKING TIME

Current Validity Date: 12/17/2001

Shift: 1ST SHFT  
 Standard Hours: 40.00

## BASIC PAY

Current Validity Date: 09/01/2003

Semi/Hourly Rate: \$1,500.00 Merit \$/ %:  
 Annual Salary: \$36,000.00 Promotion \$/ %:  
 Last Increase Date: 09/01/2003 Adjustment \$/ %:  
 Last Review Rating: 3 New Annual Rate:  
 Last Review Date: 03/01/2004 New Hourly Rate:  
 New Review Rating:  
 New Review Date:

## RECURRING PAYMENTS

Current Info New Info

Geographical Diff  
 Guarantee/Draw  
 Lead Pay  
 Other

## BENEFITS

Current Validity Date: 12/17/2001

Holiday Plan (P H Plan) FLDH  
 Vacation Plan VAC

## LEAVE OF ABSENCE

Validity Date: 4/26/04 Last Day Worked: Reason Code: 7 Partial STD  
 Expected Return Date: ?

## TERMINATION OF EMPLOYEE(S) POSITION

Validity Date: Last Day Worked Reason Code  
 Weeks Severance Position Vacancy or Delimited

Comments: Change return to partial STD

MGMT Signature &amp; Date:

HR Signature &amp; Date: Grace 5/11/04

MGMT Signature &amp; Date:

Admin Signature &amp; Date: Francis Ryan 5-10-04



# **EXHIBIT 26**



## EMPLOYEE INPUT DOCUMENT

ORIGINAL

Print Date:

05/19/2004

PERSONNEL NUMBER: 69329

SERVICE DATE:

08/28/2000

NAME:

Aalaeldin M Khirawi

EMPLOYEE STATUS:

Active

## ACTIONS

New Validity Date: 5/17/04

Action Type: 21

Action Reason:

1 Return from leave

## ORGANIZATIONAL ASSIGNMENT

Current Validity Date: 09/01/2003

Company Code:

NA60 NA60

Personnel Area (LLC):

US02 Enterprise Managed Svc, LLC

Contract (G/L):

800800

EE Group (RT):

Regular Employee

EE Subgroup (FT/PT):

F/T Salary

Pay Area:

Semi-Monthly

Personnel Sub Area (Location):

MA02 MA Tewksbury

CO Instruction (Hyperion Activity):

Org Key (Hyperion):

11200 Managed Services

Supervisor:

82772 Ruby Y Miles

Personnel Admin:

Terence P Freeman

Position Number:

10101715 Quality Representative

## PLANNED WORKING TIME

Current Validity Date: 12/17/2001

Shift:

1ST SHFT

Standard Hours:

40.00

## BASIC PAY

Current Validity Date:

09/01/2003

Semi/Hourly Rate:

\$1,500.00

Merit \$/%:

Annual Salary:

\$36,000.00

Promotion \$/%:

Last Increase Date:

09/01/2003

Adjustment \$/%:

Last Review Rating:

3

New Annual Rate:

Last Review Date:

03/01/2004

New Hourly Rate:

New Review Rating:

New Review Date:

## RECURRING PAYMENTS

Current Info New Info

Geographical Diff

Guarantee/Draw

Lead Pay

Other

## BENEFITS

Current Validity Date: 12/17/2001

Current Info New Info

Holiday Plan (P H Plan)

FLDH

Vacation Plan

VAC

## LEAVE OF ABSENCE

Validity Date:

Last Day Worked:

Reason Code:

Expected Return Date:

## TERMINATION OF EMPLOYEE (or POSITION)

Validity Date:

Last Day Worked

Reason Code

Weeks Severance

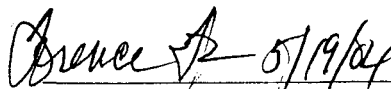
Position Vacancy

or Delimited

Comments:

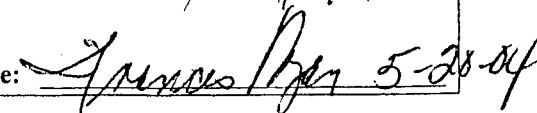
MGMT Signature &amp; Date:

HR Signature &amp; Date:



MGMT Signature &amp; Date:

Admin Signature &amp; Date:



WTH

# EXHIBIT 27

Your conclusions are all false. And, your email tone toward me is unacceptable.

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

Getronics North America Operations  
9009 West Loop South, Suite 500  
Houston, TX 77096 USA  
Tel: +01 713-852-5659  
Cell: +01 281-830-9853  
Email: ruby.miles@getronics.com

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[www.getronics.com](http://www.getronics.com)

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Thank you.

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, May 18, 2004 10:49 AM  
**To:** Miles, Ruby  
**Cc:** Freeman, Terence; Hoffman, James  
**Subject:** RE: Co-Worker(s) observation

You have accused me of reporting hours I did not work, and now you are asking me not to know the source. I will conclude that you do not have any source and this is another episode of harassment, retaliation a continuous effort from your part to belittle me till I may leave this company, and that is not honest nor acceptable by all laws, and morality. And I am asking who ever is responsible of you and have the authority over your action to stop it and as soon as possible or find a way to move me from your department as it is so clear that you are out of control. And now this conversation is closed

AL

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Tuesday, May 18, 2004 11:42 AM  
**To:** Khirawi, Aalaeldin  
**Cc:** Freeman, Terence; Hoffman, James  
**Subject:** RE: Co-Worker(s) observation

Al,

I am your manager and I consult sources that I deem appropriate since I am managing you from a remote location. This discussion is closed for now. We will discuss the matter of how best to monitor your comings and goings this Friday. I do not want repetitive cycles of emails over this topic. Recall the number of times you required me to pose the simple question to you of whether or not you were working from home on Mondays. I will not engage in debates with you over this matter. Again, discussion is closed

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

Getronics North America Operations  
9009 West Loop South, Suite 500  
Houston, TX 77096 USA

Tel: +01 713-852-5659  
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Thank you.

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, May 18, 2004 7:36 AM  
**To:** Miles, Ruby  
**Cc:** Freeman, Terence; Hoffman, James  
**Subject:** RE: Co-Worker(s) observation

Ruby

I need to know who from my co-workers in Tewksbury reported that I was not here when I said I was, so as to see which story was the correct one.

I do need the information before Friday so as I could bring the results with me for the meeting on that day with Mr. Hoffman

Al Khirawi

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Monday, May 17, 2004 11:58 AM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Timesheet Due

By co-worker observation, you have not been in the office the hours that you reported. Have you been working from home? If you were working from home, can you please tell me what processes you were working on? Keep in mind, however, you're not approved to work from home at this time.

Also, I found another mistake - please change 5 hours on May 13th to STD (006000, 987) instead of your regular time 589909.

Thanks.

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

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and/or addressee immediately and delete the material.

Thank you.

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, May 17, 2004 10:38 AM  
**To:** Miles, Ruby  
**Subject:** RE: Timesheet Due

*Regarding the first issue the answer is yes.  
But let me know why you will approve 74 instead of 80*

Al

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Monday, May 17, 2004 11:31 AM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Timesheet Due

Al,

It is my understanding that today, May 17th is your first day of working 10 hour days. Please verify?

On another note, as I proceeded to approve your timesheet, I am only approving the following hours: instead of 80 hours, I will approve 74 hours.

Thanks.

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

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Thank you.

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, May 17, 2004 8:26 AM  
**To:** Miles, Ruby  
**Subject:** RE: Timesheet Due

*Ruby  
I am not sure what codes to use, since 5 days are worked every day for the last 3 weeks.  
Can you help me?*

Al

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Friday, May 14, 2004 7:48 AM  
**To:** Anderson-Jones, Tiffany; Bentley, Leland; Khirawi, Aalaeldin  
**Subject:** Timesheet Due

All,

Please complete your timesheet for me so that I can approve. Thanks.

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

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Houston, TX 77096 USA  
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Thank you.

# **EXHIBIT 28**



Message

REDACTED

-----Original Message-----

**From:** Hoffman, James  
**Sent:** Monday, May 17, 2004 1:18 PM  
**To:** Khirawi, Aalaeldin  
**Cc:** Boynton, Dick; Stanek, Marthe; Freeman, Terence  
**Subject:** RE: A different position , task or management

Al, as you know, I can't create new roles unless someone has an open position that may fit your skill set. I'll take your request under advisement. In regards to the issues you're having, I'll set up a call for us to talk through those perceived issues you're having with your management. I'm back in Houston on Thursday and will set something up for Friday. Thanks.

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, May 17, 2004 12:00 PM  
**To:** Hoffman, James  
**Cc:** Boynton, Dick  
**Subject:** A different position , task or management

Please, see my resume , attached

GETR0803

Hello Mr. Hoffman

After long and careful thoughts , and reflection on what had happened in the last few months, I would like to express my true desire to see if I can be moved to a different position, task or work under different management.

It is very clear to me that I cannot trust Mrs. Miles personally nor can I trust her judgment as a manager.

I am writing to you hoping that you can help me make the move under your department.

I have a long history of excellent performance and all my co-workers here in Tewksbury and my managers can confirm it.

Please let me know if more details are needed, and also let me know if this request can be granted.

My best of regards

Al Khirawi

# **EXHIBIT 29**

**Khirawi, Aalaeldin**

---

**From:** Ogg, Wayne  
**Sent:** Monday, May 24, 2004 9:38 AM  
**To:** Khirawi, Aalaeldin  
**Subject:** Request to Investigate

Mr. Khirawi:

I have again inquired into your situation. This Company flatly denies your allegations of inappropriate conduct of any kind. You have and continue to be treated fairly.

It is my understanding that your performance, including but not limited to your reporting of hours worked, is under scrutiny. This is unrelated to any of the reasons you suggest below. Indeed, you are on a Performance Improvement Plan.

I have no comment related to your private interactions with your personal doctor, as you are responsible for seeking appropriate care for yourself.

Please understand that as your employer, we are entitled to require performance, productivity and courteousness from you. If you wish to remain with us, I encourage you to focus on your performance, productivity and professionalism toward your colleagues and management. Getronics, not its employees, determines who shall report to whom.

Thank you.

Wayne Ogg

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, May 18, 2004 2:16 PM  
**To:** Ogg, Wayne  
**Subject:** Request to investigate

Hello Mr. Ogg

I did send you a request to intervene in my case , which has taken other serious turns in the last week.

I have been working in this company since 1999.

I am a black Muslim, originally from Africa.

I have had so many events in this company, that I have served that makes me conclude that is a systematic effort to make it hard for me to stay.

My performance has never been the issue, and thus I would conclude that my ethnicity , back ground and religion have.

I was out for over 6 weeks on STD leave.

And I have asked my Dr to get me back half days against his own will, as he wanted me to stay out

longer.

My manager Ruby Miles has refused to pay me the hours that Getronics should be paying me, basing her decision on a source from Tewksbury who told her that I did not report to work the dates and hours I said I have.

I am really feeling cornered by my manager and pressured to make a decision to leave this company which I love and respect.

I have asked Mr Hoffman James to mover me under different management or different post or task.

I do really need help, just because my environment has been full of doubts, harassment and retaliation

My best of regards

Aalaeldin Khirawi

# **EXHIBIT 30**

**WRITTEN REPRIMAND****Date of Reprimand:** May 21, 2004**Date of Verbal Warning:****Employee Name:** Aalaeldin Khirawi**Date of Occurrence:** 5/18/04**Details of Performance Deficiencies:**

On March 4, 2004, you were issued a written reprimand to address your professional demeanor with your manager and teammates. On March 22, 2004 you were issued a performance improvement plan that addressed your professional demeanor and insubordination with your manager. On May 18, 2004 you were again insubordinate and disrespectful toward your manager. You were sent an email by Ruby Miles regarding the monitoring of your time and asked not to respond to this e-mail and that the issue was closed. You did, however, respond to this e-mail and with an unacceptable, disrespectful tone.

Aalaeldin, your behavior continues to violate, at a minimum, the Getronics Rules of Employee Conduct, which in summary reads "Refusing to follow, or interfering with, a manager's or supervisor's direction, failing to carry out any reasonable order of supervision, or treating a manager or supervisor in an insubordinate manner of any sort."

**Corrective Action to be Taken:**

Aalaeldin, you must show immediate improvement in adhering to the direction set by your manager. Also, you must communicate both verbally and in writing in a professional and measured manner with your manager.

You are expected to demonstrate immediate, significant and sustained improvement in your performance improvement plan. Failure to show such improvement may subject you to further disciplinary action (up to and including termination) at any time during the plan period. In addition to meeting the plan objectives, you are expected to perform satisfactorily all other job duties. You must also continue to fulfill the plan requirements after the plan period has ended. Failure to sustain the level of performance required by the plan beyond the plan period may subject you to further disciplinary action (up to and including termination), without additional notice.

**Effective Date of Action:** 5/21/04 **Subsequent Review Date:** \_\_\_\_\_**Employee Signature***employee refused to sign*  
*Ruby Y. Miles***Manager/Supervisor Signature***Jamart***Human Resources Signature****Date***5/21/04***Date***5/21/04***Date**

NOTE: Place in emp. File

# **EXHIBIT 31**



**Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Wednesday, May 26, 2004 12:55 PM  
**To:** Khirawi, Aalaeldin; Miles, Ruby  
**Cc:** Galipeau, Paul; Hoffman, James; Freeman, Terence  
**Subject:** RE: RE: CRM8 Ticket # 3919833; Retrieval of Getronics-owned laptop

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

After I spoke with Paul Galipeau again, I am convinced now I should be returning the lap top ( Dell) back. It will be given by me to Dave Ayotte as it is OK with Mr Galipeau, on May the 27th 2004 @ 9.30 am eastern standard time ( Thursday) , which is within the dead line of Mrs. Miles

Al Khirawi

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Wednesday, May 26, 2004 12:44 PM  
**To:** Miles, Ruby  
**Cc:** Galipeau, Paul; Hoffman, James; Freeman, Terence  
**Subject:** RE: RE: CRM8 Ticket # 3919833; Retrieval of Getronics-owned laptop

I apologize for the mistake, I meant using it for the GUV classes like the 6 sigma, MSCP, MSCPA, MSCE, and also to use it for running some reports ( Witness and other software) as part of the assignments I have as a QA rep using software like MS excel and other software that I have them installed in it.  
It is a very good tool and resource some one like me with this kind of job descriptions and duties should have.  
And actually I was planning to convince Tiffany to acquire one for the same purpose from Getronics ( if she does not have one already) .  
Any way , if you insist and Paul wants back then I have no other way but to spend \$1500 to buy one just to use it to better my self and to get it to help me do my job better in this great company we all love and respect

Al Khirawi

I have talked to Paul Galipuea, who gave me the Lap top before even I started working with your team.  
I understand that the Lap top is his and was given to me by him on November of last year , as I mentioned to all of you, and I do not remember asking you to give me the Lap top.  
I spoke with Paul yesterday as he was my previous manager and told him if he needed the lap top back and he said no.  
And now I am asking him again, if he needs his Lap Top back then I will give it back to him.  
And in case he does need it back, I will just buy a newer one from an out side vendor , since I use it to access the JUV from home, my E-mails and also to access so many good resources for business and personal use

Once again , it was given to me on a personal request from Paul and I am waiting for him to ask for it back

Al Khirawi

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Wednesday, May 26, 2004 11:35 AM  
**To:** Khirawi, Aalaeldin  
**Cc:** Galipeau, Paul; Hoffman, James; Freeman, Terence  
**Subject:** RE: CRM8 Ticket # 3919833; Retrieval of Getronics-owned laptop  
**Importance:** High

AI,

As outlined in our telephone communication this past Friday, May 21st, you were directed by me to return the Getronics-owned laptop on Monday, May 24th. As your manager, I am instructing you to return the Getronics-owned laptop by close of business tomorrow, Thursday, May 27 to the Tewksbury desktop technician, Dave Ayotte. If you do not adhere to this directive, it will result in another written reprimand.

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

**Getronics North America Operations**  
**9009 West Loop South, Suite 500**  
**Houston, TX 77096 USA**  
**Tel: +01 713-852-5659**  
**Cell: +01 281-830-9853**  
**Email: ruby.miles@getronics.com**

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Thank you.

-----Original Message-----

**From:** Ayotte, Dave  
**Sent:** Tuesday, May 25, 2004 4:21 PM  
**To:** Crawford, Gail  
**Cc:** Miles, Ruby; Galipeau, Paul  
**Subject:** RE: CRM8 Ticket # 3919833; Retrieval of Getronics-owned laptop

Gail,

As requested, I attempted to retrieve the Getronics-owned laptop from Aalaeldin Khirawi. He stated that this was a mistake on Ruby's part, as the laptop was given to him by Paul Galipeau, and not Ruby. He then went on to state that he would get Paul involved & resolve the matter himself.

As such, I was not able to retrieve the Laptop. I will leave the CRM ticket in "Open – Pending Customer" status for the time being, until given further instructions.

Thank you,

**Dave Ayotte**  
**Technical Support Specialist**

**Getronics Infrastructure Solutions**  
 826 North St.  
 Tewksbury, MA.  
 01876  
 Tel: 978-858-8219

Fax: 978 658-6616

[dave.ayotte@getronics.com](mailto:dave.ayotte@getronics.com)

[www.getronics.com/us](http://www.getronics.com/us)

# **EXHIBIT 32**

## U. S. Equal Employment Opportunity Commission

<b>Chief Executive Officer</b> <b>GETRONICS</b> <b>836 North Street</b> <b>Tewksbury, MA 01876</b>	PERSON FILING CHARGE
	<b>AaladIdin Khirawi</b>
	THIS PERSON (check one or both) <input checked="" type="checkbox"/> Claims To Be Aggrieved <input type="checkbox"/> Is Filing on Behalf of Other(s)
EEOC CHARGE NO. <b>161-2004-00285</b>	

## NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

- ☒ Title VII of the Civil Rights Act
 ☐ The Americans with Disabilities Act  
☐ The Age Discrimination in Employment Act
 ☐ The Equal Pay Act

The boxes checked below apply to our handling of this charge:

1. ☐ No action is required by you at this time.
2. ☒ Please call the EEOC Representative listed below concerning the further handling of this charge.
3. ☒ Please provide by **16-JUL-04** a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. ☐ Please respond fully by \_\_\_\_\_ to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. ☒ EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **02-JUL-04** to **Liz Marcus, ADR Coordinator, at (617) 565-3200**. If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

**Rance A. O'Quinn,**  
**Enforcement Supervisor**

EEOC Representative

Telephone: **(617) 565-3192**

**Boston Area Office**  
**John F. Kennedy Fed Bldg**  
**Government Ctr, Room 475**  
**Boston, MA 02203**


Enclosure(s): ☒ Copy of Charge

## CIRCUMSTANCES OF ALLEGED DISCRIMINATION

☒ RACE
 ☐ COLOR
 ☐ SEX
 ☐ RELIGION
 ☒ NATIONAL ORIGIN
 ☐ AGE
 ☐ DISABILITY
 ☒ RETALIATION
 ☐ OTHER

See enclosed copy of charge of discrimination.

GETR0139

Date	Name / Title of Authorized Official	Signature
Jun 15, 2004	<b>Robert L. Sanders,</b> Director	

## CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

161-2004-00285

## Massachusetts Commission Against Discrimination

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mr. Aaladldin Khirawi

Home Phone No. (Incl Area Code)

(603) 669-7886

Date of Birth

08-29-1963

Street Address

City, State and ZIP Code

14 Auclair Avenue, Manchester, NH 03102

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

GETRONICS

No. Employees, Members

500 or More

Phone No. (Include Area Code)

Street Address

836 North Street, Tewksbury, MA 01876

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest

02-03-2003

06-01-2004

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

I. I began working for the Respondent in 1999 as a temporary employee but was hired in September of 2000 as a full-time, permanent employee i.e., Customer Service Representative. In October of 2002, I applied for the vacant position of a Quality Assurance Representative and was told, by the Respondent (Ruby Miles) that I will be selected for the position because of my education and experience. Ms. Miles further told me that my salary would be around \$38,000.00 to \$40,000.00 with stock options and other compensation bonuses. From February 2003 to September 2003, Respondent had me working as a Quality Assurance Representative without changing my pay or benefits. When I asked Ms. Miles why Respondent has not offered me the position yet, her response was, "Because it is all racial Alladin, its because you are black...welcome to the club of suffering." In August of 2003, Respondent, Paul Galipieau, offered me the Quality Assurance Representative position but told me that my salary will be \$36,000.00 and the compensation package also changed. Initially, I told Mr. Galipieau that I would not sign the offer but did sign it later on him promise that I will get a salary increase in September of 2003 and January of 2003, and that he will also find compensation for me for the months I had worked as a Quality Assurance Representative from February 2003 to September 2003. I never received the salary increase and compensations as promised. In January or February of 2004, I filed a complaint against Ruby Miles with the Respondent and have been subjected to retaliation ever since.. Ms. Miles has threatened me with a warning for my attendance and gave me bad performance evaluations.

want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)JAMES J. VAN RYEN, Notary Public  
My Commission Expires July 5, 2008

Date

Charging Party Signature

GETR0140

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

**161-2004-00285****Massachusetts Commission Against Discrimination**

and EEOC

*State or local Agency, if any*

THE PARTICULARS ARE (Continued from previous page):

**II. Respondent did not give me a valid reason why it subjected me to employment discrimination.**

**III. I believe Respondent retaliated against me, showed bad faith on a promise made to me in August of 2003, and gave me a different salary/compensation package when it hired me as a Quality Assurance Representative all because of my Religion (Islam) and race (Muslim from Africa) in violation of Title VII of the Civil Rights Act of 1964, as amended, and all applicable**

**GETR0141**

want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**JAMES J. VAN RYEN, Notary Public**  
**My Commission Expires July 5, 2008**

Date

Charging Party Signature



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Boston Area Office

John F. Kennedy Federal Building  
Government Center  
Room 475  
Boston, MA 02203-0506  
(617) 565-3200  
TTY (617) 565-3204  
FAX (617) 565-3196

Massachusetts Jurat Attachment to  
EEOC Form 5 Charge of Discrimination

Charge Number: 161-2004-00285

Commonwealth of Massachusetts  
County of Suffolk

On this the 8th Day of June, 2004, before me,  
Day Month Year

JAMES J. VAN RYEN, the undersigned Notary Public, personally appeared  
Name of Notary Public  
AALAEEDIN M KHIRAWI, proved to me through satisfactory evidence of identity,  
Name of Charging Party

N.H. DAVIS JR, to be the person whose name was signed on the attached  
Description of Identity

document in my presence, and who swore or affirmed to me that the contents of the document  
are truthful and accurate to the best of their knowledge and belief.

[Signature]  
Signature of Notary Public

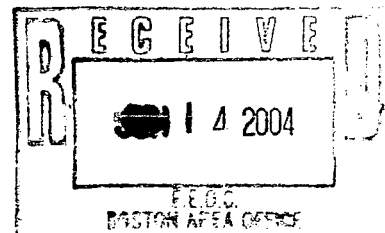
JAMES J. VAN RYEN, Notary Public  
My Commission Expires July 5, 2008

Printed Name of Notary

My Commission Expires \_\_\_\_\_

JAMES J. VAN RYEN, Notary Public  
My Commission Expires July 5, 2008

Place notary seal and/or stamp above



GETR0142



# EXHIBIT 33

*Thank you.*

---

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, August 05, 2004 9:10 AM  
**To:** Miles, Ruby  
**Subject:** Suggestions

Mrs. Miles.

I have this suggestion too, and to more better our performance and interaction with management , we can schedule a meeting to discuss the out come of the monthly report and trending data ( Starting next month). I mean, after every report ( on the 5th, 6th or 7th)

It can be one hour or less meeting and all attend, and like that we give let us say 5 minutes to each to give us feed back, and like that we we be building a network between Huston and Tewksbury.

Please advise

8/6/2004

# **EXHIBIT 34**

**Khirawi, Aalaeldin**

**From:** Khirawi, Aalaeldin  
**Sent:** Thursday, August 05, 2004 1:26 PM  
**To:** Miles, Ruby  
**Subject:** RE: Suggestions

Ruby

*Of course this is all not true, and specially with Tiffany ( I have all the e-mails to prove this)*

*My only question will be to you at this time, why are you doing this?*

*Why are you still after me and making up this untrue stuff, and wants me to leave the company.*

*I am just asking this once and for all, what exactly do you want from me?*

*Please send me and in details what exactly do you want me to do and ASAP?*

Al

-----Original Message-----

**From:** Miles, Ruby  
**Sent:** Thursday, August 05, 2004 12:40 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Suggestions

Al,

I have received your email. Right now, I want you to focus on my pending requests, which you have ignored repeatedly. Your conduct has been unacceptable, as you know.

Please complete your assigned tasks. Please send me an email when you arrive to work and when you depart. Additionally, when you are away from your desk for more than a few minutes, advise me, as well, via email. Outside of such times, I will expect you to answer your telephone when I and any of your other colleagues attempt to contact you.

This message will also confirm that your offer to "help" Tiffany complete the EOM (trending portion) reports has been belated and misguided. Tiffany has tried to contact you previously, as you well know, and you have not responded. Please contact Tiffany by telephone to consult on the trending section of the reports as the rest of the report has been previously discussed and agreed upon. Please do so immediately since the trending of the reports is very important. The total report is due tomorrow, therefore urgency is of utmost importance. Thank you.

I will be in touch with further directives in the near future. Please do not respond to this email. That is a directive. I will not tolerate back and forth discussion on these or any other directives. Thank you.

Ruby

**Ruby Miles**  
**QA Manager**  
**Performance Management Group**

**Getronics North America Operations**

8/5/2004

# **EXHIBIT 35**

**Khirawi, Aalaeldin**

**From:** Miles, Ruby  
**Sent:** Friday, August 06, 2004 11:39 AM  
**To:** Getronics Helpdesk Americas  
**Subject:** FW: Voice mails and calls from number 713-852-5531  
**Importance:** High

Dear Getronics Helpdesk Americas,

Please do not open this ticket. Al Khirawi works for me and we will not pursue this issue at this time. I will let you know when/if to open a ticket. Thanks!

*Ruby Miles  
QA Manager  
Performance Management Group*

**Getronics North America Operations**  
**9009 West Loop South, Suite 500**  
**Houston, TX 77096 USA**  
**Tel: +01 713-852-5659**  
**Cell: +01 281-830-9853**

**Email: [ruby.miles@getronics.com](mailto:ruby.miles@getronics.com)**

ICT Security | Network Integration Services | Network & Desktop Outsourcing | Application Integration & Management

[www.getronics.com](http://www.getronics.com)

*The information transmitted is intended only for use by the addressee and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of it, or the taking of any action in reliance upon this information by persons and/or entities other than the intended recipient is prohibited. If you received this in error, please inform the sender and/or addressee immediately and delete the material.*

*Thank you.*

---

**From:** Anderson-Jones, Tiffany  
**Sent:** Friday, August 06, 2004 10:26 AM  
**To:** Miles, Ruby  
**Subject:** FW: Voice mails and calls from number 713-852-5531  
**Importance:** High

-----Original Message-----

**From:** Khirawi, Aalaeldin  
**Sent:** Friday, August 06, 2004 10:23 AM  
**To:** Getronics Helpdesk Americas  
**Cc:** Anderson-Jones, Tiffany  
**Subject:** Voice mails and calls from number 713-852-5531

8/6/2004

**Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Friday, August 06, 2004 12:52 PM  
**To:** Miles, Ruby  
**Subject:** FW: Your case has been closed. Case ID: 3944799 Case Opened: 06-Aug-2004 11:29:50

Mrs. Miles  
Can you please explain why did you close the case?

Regards

Al Khirawi

-----Original Message-----

From: Getronics Helpdesk Americas  
Sent: Friday, August 06, 2004 12:50 PM  
To: Khirawi, Aalaeldin  
Subject: RE: Your case has been closed. Case ID: 3944799 Case Opened: 06-Aug-2004 11:29:50

Rob Mallon asked that this case be Canceled per Ruby Miles. Also Rob had me delete the original e-mail rather than placing it in the Closed folder like normal.

Thank You,

Katrina Brown  
Helpdesk Analyst I  
Getronics Internal Service Desk

Getronics IT Sourcing Services  
836 North Street  
Tewksbury, MA  
01876  
Desk:+01 800 344 9264

Email: [katrina.brown@getronics.com](mailto:katrina.brown@getronics.com)

ICT Security | Network Integration Services | Network & Desktop Outsourcing | Application Integration & Management [www.getronics.com](http://www.getronics.com)

The information transmitted is intended only for use by the addressee and may contain confidential and/or privileged material. Any review, re-transmission, dissemination or other use of it, or the taking of any action in reliance upon this information by persons and/or entities other than the intended recipient is prohibited. If you received this in error, please inform the sender and/or addressee immediately and delete the material.

-----Original Message-----

From: Khirawi, Aalaeldin  
Sent: Friday, August 06, 2004 12:05 PM  
To: Getronics Helpdesk Americas  
Subject: RE: Your case has been closed. Case ID: 3944799 Case Opened: 06-Aug-2004 11:29:50

Sorry, why did it close?

Regards

Al Khirawi

-----Original Message-----

From: GetronicsHelpdeskAmericas@getronics.com  
[mailto:GetronicsHelpdeskAmericas@getronics.com]  
Sent: Friday, August 06, 2004 11:55 AM  
To: Khirawi, Aalaelain  
Subject: Your case has been closed. Case ID: 3944799 Case Opened: 06-Aug-2004 11:29:50

An S-Cubed Case has been closed for you with the following information:

Case Number: 3944799  
Business Unit: GETBU  
Reported By: Khirawi,Aalaelain User Id: amk69329  
Phone Number: 978 8587761  
E-Mail Address: Aalaelain.Khirawi@getronics.com  
Location:  
Company: Getronics Department:  
Site: US\_MA\_01876\_Tewksbury\_North  
Summary: Missing V/Mails  
Description:  
I have counter part Anderson-Jones, Tiffiny phone number 713-852-5531, Huston, calling and leaving messages in my phone numbers in Tewksbury 978-858-7761 and 978-858-7232, messages that I never found.

Please can you run a report between May to August 2004 on all messages from 713-852-5531 to phone numbers 978-858-7761 and 978-858-7761 and 978-858-7232 if possible

This is very important

Al Khirawi

Regards

Product:IPT  
Status: Resolved Priority: 2 - Medium  
Assigned To: Provider Group: Telecom Admin  
Entered By: Thornton,Brian R  
Date Entered: 06-Aug-2004 11:29:50  
Resolved By Group:Getronics Srvc Desk Resolved By: Brown,Katrina  
Date Resolved: 06-Aug-2004 11:55:09

[Date/Times reflect the Time Zone: Eastern Time (US)]



# **EXHIBIT 36**

**Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Wednesday, August 18, 2004 11:45 AM  
**To:** Hoffman, James; Graceffa, Jamie  
**Subject:** RE: Performance Expectations meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Do I dial from my office, or there is a different arrangement with Jamie?*

*Also, is there any chance to know the agenda of this meeting in advance?, and if it is a different plan as you so indicated, can I just know what triggered it?*

*Please advise*

*Regards*

*Al Khirawi*

-----Original Message-----

**From:** Hoffman, James  
**Sent:** Tuesday, August 17, 2004 4:30 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Performance Expectations meeting

Al,  
No this is different and we'll discuss the details in the scheduled time in this meeting request. Thanks.

---

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, August 17, 2004 2:48 PM  
**To:** Hoffman, James  
**Subject:** RE: Performance Expectations meeting

*Mr. Hoffman.*  
*Is this the monthly review of the current performance plan?*  
*Please advise*

*Regards*

*Al Khirawi*

-----Original Appointment-----

**From:** Hoffman, James  
**Sent:** Tuesday, August 17, 2004 3:39 PM  
**To:** Khirawi, Aalaeldin; Graceffa, Jamie  
**Subject:** Performance Expectations meeting  
**When:** Thursday, August 19, 2004 3:00 PM-4:00 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** 800-379-2808 access # 9112001

Al, need to meet to go over performance expectations with you. Jamie will be over in the Tewksbury office to sit with you as we go through this. Jamie, we can either use the call in number I put in this notice or you both can call me from Tewksbury. Thanks.



**PERFORMANCE EXPECTATIONS**

**Date of Issuance:** August 19, 2004

**Employee Name:** Aalaeldin Khirawi

**Details of Past Performance:**

You have raised several internal complaints of unfair treatment and alleged discrimination, all of which have been duly and fully investigated. Getronics has found no evidence of unfair treatment or discrimination. You have inappropriately displayed frustration with and rejection of these results. Getronics requires that you comport yourself with professionalism and respect.

Your workplace behavior to date has violated, at a minimum, the Getronics Rules of Employee Conduct policy. Specifically, "[r]efusing to follow, or interfering with, a manager's or supervisor's direction, failing to carry out any reasonable order of supervision, or treating a manager or supervisor in an insubordinate manner of any sort" constitutes unacceptable conduct. Your supervisor has endeavored to work with you by providing direction, requests for information and requests for specific performance items.

You have embarked on a path of disobedience notwithstanding the facts that on March 4, 2004, March 22, 2004 and May 21, 2004, you were issued a written reprimand, a performance improvement plan and a written reprimand, respectively, to address your unprofessional, insubordinate and disrespectful demeanor toward your supervisor and others within Getronics.

Far too frequently, you have resisted your supervisor's authority and argued back through exhaustive and wasteful email cycles. This conduct will not be tolerated with your supervisor or any other member of the Getronics organization. Additionally, an essential function of your job is reporting to work timely and consistently. Your attendance pattern has been unacceptable. In the past twelve (12) months, you have taken over thirteen (13) sick days. Getronics considers the use of more than eight (8) days of sick leave in a rolling twelve-month period to be excessive. You have likewise failed to abide the simple request that you notify your supervisor, who is located in Houston, of your arrival and departure times so that she can best monitor your daily performance and workload.

Your unavailability and lack of accountability will no longer be accepted.

Getronics hereby issues this document to outline expectations for your performance. Your supervisor is Ruby Miles. All of your workplace direction and support shall be received from Ms. Miles. You are being assigned a new human resources representative, Jamie Graceffa. All of your human resources direction and support shall be received from Mr. Graceffa.

## **Performance Expectations:**

### **A. Workplace Behavior**

1. You must use a professional communication style with your supervisor and any other Getronics employee with whom you interact. Professional communication does not include overuse of the exclamation point, bold font or underline. Nor does it include repetitive sending of disrespectful email. You will cease and desist from your deluge of email to your supervisor or any other Getronics employee. When you are advised that an issue is closed, abide the directive.
2. You are directed not to use the words "retaliation," "discrimination" or "harassment" without the exercise of discretion, care and caution. Although you may disagree with the Company's findings with respect to your internal allegations of unfair treatment, Getronics stands by its decisions and determinations. You are officially cautioned not to abuse the Company's complaint procedures.
3. You will abide all directives and attend all meetings requested by your supervisor. You may not attempt to end-run your supervisor's authority. You will not consult any supervisor other than your own for direction and control.
4. You shall abide by all requirements completely. For example, you are to communicate in the medium specified by your manager. If your manager states that you are to place a telephone call to a colleague, this is precisely what you are to do.

### **B. Performance Requirements:**

In addition to abiding any other request or directive,

1. **Attendance:** Upon arrival and initiation of work for the day, and upon departure and cessation of work for the evening, you are to send an email to Jamie Graceffa. If you are to be out of contact and unavailable for a significant period of time, you are to send an email before and after such unavailability to Jamie Graceffa. Additionally, on Fridays, you are to send an email before and after your mid-day break to Jamie Graceffa.
2. **Weekly Status Report:** You will submit a weekly status report outlining your accomplishment of the following job requirements. Please send your weekly status report to Jamie Graceffa each Tuesday by noon, EST.
  - a. Conduct call assessments at a rate of no less than ten (10) per week. Please ensure that at least ten (10) calls are assessed on any client account that has not had any calls assessed within that week. You are to analyze the database to determine which accounts are in need of assessment. (In your weekly status report, please summarize the calls you have assessed.)

- b. Ensure that the overall quality standards are being met on a consistent basis by monitoring the Service Desk processes/procedures (i.e., Call Flows and/or other KEWA documentation used assessing a call). (In your weekly status report, please summarize weekly progress on this task.)
  - c. Coordinate call calibrations between Houston and Tewksbury with Tiffany to ensure consistency and congruency of call assessments. Continue with Six Sigma project. Tiffany will be the contact for all verbal & written communication on this project until further notice. (In your weekly status report, please summarize your efforts with respect to the foregoing.)
  - d. Consult with Tiffany at least twice a week by telephone for updates and coordination of tasks. (In your weekly status report, identify the date and time of these conference calls and summarize the topics discussed.)
  - e. Continue with status updates on new call assessment form. (In your weekly status report, please summarize your efforts toward and knowledge of analysts' use of the new form.)
  - f. Continue work with Team Managers or Team Leads on special projects. (In your weekly status report, please summarize any special project in which you are engaged.)
3. **Daily Log:** You are required to complete a log of your daily work activity on an hourly basis. You are to submit your weekly hours reporting log to Jamie Graceffa by noon EST on Tuesday of each week. Please use the attached format for your daily log reporting.

You are expected to demonstrate immediate, significant and sustained improvement in your performance. Failure to show such improvement may subject you to further disciplinary action (up to and including termination) at any time. In addition to meeting the performance expectations, you are expected to perform satisfactorily all other job duties. Failure to sustain the level of performance required by this document or any other Getronics workplace rule may subject you to further disciplinary action (up to and including termination), without additional notice.

*Employee refused to sign*  
 Employee Aalaeldin Khirawi

*[Signature]*  
 Supervisor Ruby Miles

*[Signature]*  
 HR Representative Jamie Graceffa

*8/19/04*  
 Date

*8/24/04*  
 Date

*8/19/04*  
 Date

cc: Personnel File

# **EXHIBIT 37**

-----Original Message-----

**From:** Graceffa, Jamie  
**Sent:** Friday, September 24, 2004 2:59 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** Performance Expectations document

Dear Al,

I write to advise that you are not performing satisfactorily at least one of the stated requirements issued to you in the Performance Expectations document. In pertinent part, the document requires the following of you:

- "1. Upon arrival and initiation of work for the day, and upon departure and cessation of work for the evening, you are to send an email to Jamie Graceffa. If you are to be out of contact and unavailable for a significant period of time, you are to send an email before and after such unavailability to Jamie Graceffa. Additionally, on Fridays, you are to send an email before and after your mid-day break to Jamie Graceffa."

When the document was presented to you, you indicated that you understood its terms. However, you have not abided the clear requirement as you are not consistently emailing me *when* you arrive and *at the point* that you leave, as prescribed in the above language. Please understand that you are to email me immediately upon log-on, which is the technical start of your day. In other words, the time stamp of your email is considered your start time. Further, you must advise me, via email, at the precise point you log-off for the day. Finally, you are to email me before and after you leave and return to the office for your Friday mid-day break. If you need to write yourself reminders to send these emails, please do so.

It is my understanding that your supervisor, Ruby Miles, will confer with you separately on the substantive reporting and performance of your daily tasks.

Thank you for your attention to this matter.

Jamie.

# **EXHIBIT 38**



**Khirawi, Aalaeldin**

---

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, September 27, 2004 4:47 PM  
**To:** Graceffa, Jamie  
**Subject:** RE: Performance Expectations document

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Graceffa

I have e-mailed you every single day , in and out. Please let me know what days did I fail to e-mail you. ( I can always forward you the e-mails again)

The following statement in black is very clear and self explained.

However, I have followed exactly all the directions you have given me verbally.

This is the first time , you have written to me in regard to this issue.

I have not received any document from you at any time or place that outlined this requirement.

I am not quite sure what you mean by "you presenting to me the document"

Please e-mail me the document you are talking about, since I acknowledge of

Regards

Al Khirawi

*Disagreement  
w/ Graceffa*

-----Original Message-----

**From:** Graceffa, Jamie  
**Sent:** Monday, September 27, 2004 4:38 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Performance Expectations document

Al,

I continue to believe that the Company's Performance Expectations were clearly outlined in both the document presented to you and during our discussion. Recently, I have pointed out that you have not emailed me consistently at the required points of your arrival and departure each day. Rather than engage in a back and forth argument with you, I ask that you tell me precisely what is unclear about the following requirement:

- "1. Upon arrival and initiation of work for the day, and upon departure and cessation of work for the evening, you are to send an email to Jamie Graceffa. If you are to be out of contact and unavailable for a significant period of time, you are to send an email before and after such unavailability to Jamie Graceffa. Additionally, on Fridays, you are to send an email before and after your mid-day break to Jamie Graceffa."

Thank you.

Regards,  
Jamie

---

**From:** Khirawi, Aalaeldin  
**Sent:** Monday, September 27, 2004 8:13 AM

# **EXHIBIT 39**

Dec-09-2004 13:56

From: kinkos of Bedford

+

T-642 P.015/019 F-652



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Boston Area Office**

John F. Kennedy Federal Building  
Government Center  
Room 475  
Boston, MA 02203-0506  
(617) 565-3200  
TTY (617) 565-3204  
FAX (617) 565-3196

Aalaeldin Khirawi  
14 Auclair Avenue  
Manchester, NH. 03102

08 OCT 2004

Re: Khirawi v. Getronics  
EEOC Charge No. 161-2004-00285

Dear Mr. Khirawi:

The United States Equal Employment Opportunity Commission (EEOC) has concluded its inquiry into your allegations of discrimination. Under the EEOC charge prioritizing procedures, we focus our resources only on those charges that are most likely to result in findings of violations of the laws we enforce. In accordance with these procedures, the EEOC has evaluated this charge based on the evidence you provided. The evidence fails to indicate that a violation of the laws occurred and it is not likely that additional investigation will result in our finding of a violation.

According to the charge of employment discrimination you have filed with the EEOC, you alleged that Getronics, hereinafter referred to as Respondent, subjected you to employment discrimination because of your Race (Muslim), Color (Black) and Religion (Islam) in violation of Title VII of the Civil Rights Act of 1964, as amended (Title VII). Specifically, you believe Respondent reneged on a promise made to you in August of 2003 relating to the wages and benefits of a position that you were interviewed for because of your protected basis. Your further alleged that Respondent retaliated against you after you made complaints of employment discrimination.

The evidence obtained by the EEOC showed that due to budget reasons, Respondent delayed offering you the position of a Quality Assurance Representative until September of 2003 and at a salary of \$36,000.00 thousand dollars. In fact, there is no direct or circumstantial evidence to suggest that Respondent delayed offering you the position of a Quality Assurance Representative, or gave you a salary for said position, based on discriminatory reasons. Title VII is not a civility code and while it prohibits illegal conducts, it does not protect unfairness at the workplace. It is also important to note that some of the evidence you have offered to support your allegations occurred beyond the 300 days state of limitation and cannot be considered by the EEOC.

With respect to your Retaliation claim, there is no evidence that you were subjected to any

Dec-09-2004 13:56

From: kinkos of Bedford

+

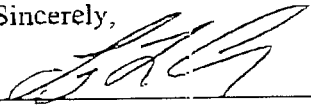
T-642 P.016/019 F-652

adverse employment actions that were causally connected or directly related to your participation and opposition of a legally protected activity.

Based upon the Commission's investigation, the Commission is unable to conclude that the information establishes probable violations of statutes. This does not certify that the Respondent is in compliance with statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

Even though you may disagree, it is unlikely that EEOC would find a violation if it invested additional resources. Thus, the EEOC's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within ninety (90) days of receipt of said notice. Otherwise, your right to sue will be lost.

Sincerely,



Feng An, Kenneth  
Sr. Federal Investigator

Dec-09-2004 13:56

From: kinkos of Bedford

T-642 P.017/019 F-652

EEOC Form 151 (3/99)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: AaladIdin Khirawi  
14 Auclair Avenue  
Manchester, NH 03102

From: Boston Area Office  
John F. Kennedy Fed Bldg  
Government Ctr, Room 475  
Boston, MA 02203



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

161-2004-00285

Rance A. O'Quinn,  
Enforcement Supervisor

(617) 565-3192

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

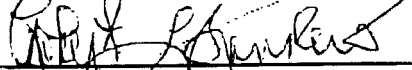
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Robert L. Sanders,  
Area Office Director

O 8 OCT 2004

Enclosure(s)

(Date Mailed)

cc: GETRONICS  
c/o Marthe C. Stanek, Esq.  
290 Concord Road  
Billerica, MA. 01821-4130

# **EXHIBIT 40**

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, October 12, 2004 2:06 PM  
**To:** Graceffa, Jamie  
**Subject:** RE: Updated: HR meeting

Jamie,

1\_What do you mean by updating my calendar? ( It is updated by default and entries as my experience and knowledge are telling me)

2\_ The only way to do this is , when you send me a meeting notice that meets my availability.

3\_ If the meeting request is on a time that I am not available then , how can you expect me to attend?

4\_ My tone with you is professional and excellent, to the best of my knowledge , and please stop the threatening, because it will not work well with me

You are welcome

-----Original Message-----

**From:** Graceffa, Jamie  
**Sent:** Tuesday, October 12, 2004 1:56 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Updated: HR meeting

Al,

as stated below,

1. Please update your calendar so that I can determine your availability.
2. I will then send a new meeting request.

and,

3. I will expect you to accept the meeting request.
4. Watch your tone with me.

Thank you.

---

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, October 12, 2004 1:34 PM  
**To:** Graceffa, Jamie  
**Subject:** RE: Updated: HR meeting

*Jamie  
Does that mean , you will reschedule?  
Please try to be simple in responding*

Al

-----Original Message-----

**From:** Graceffa, Jamie  
**Sent:** Tuesday, October 12, 2004 12:32 PM  
**To:** Khirawi, Aalaeldin  
**Subject:** RE: Updated: HR meeting

Al,

Please be sure to update your outlook calendar no later than close of business today. I will then send another meeting notice.

Thank you,  
Jamie

---

**From:** Khirawi, Aalaeldin  
**Sent:** Tuesday, October 12, 2004 8:40 AM  
**To:** Graceffa, Jamie  
**Subject:** Declined: Updated: HR meeting  
**When:** Thursday, October 14, 2004 2:30 PM-3:30 PM (GMT-05:00) Eastern Time (US & Canada).  
**Where:** Maine Conf. Room - Tewksbury

Mr. Graceffa.

I would not be able to attend the meeting at the set day and time .  
Please reschedule

Regards

Al Khirawi



# **EXHIBIT 41**



**WRITTEN REPRIMAND**

Date of Reprimand: October 26, 2004

Date of Verbal Warning: \_\_\_\_\_

Employee Name: Aalaeldin Khirawi

Date of Occurrence: September 24-30, 2004

**Details of Occurrence and Corrective Action to be Taken:**

1. The Performance Expectations document was presented to you on August 19, 2004, during a meeting with Jamie Graceffa and Jim Hoffman, which was expressly convened for the purpose of presenting this document. As Jamie Graceffa has communicated to you repeatedly (to no avail), there will be no further debate on this issue. This subject is closed. **You will cease to argue this fact.**
2. You are unwilling or unable to absorb the point that you are incorrect on a fact. Even if your version is correct (which it is not), you must immediately improve upon your unprofessional failure to acknowledge a differing viewpoint. The bottom line is that your manager and employer have a view and you must respect it, even if you disagree. **You will respect the views of others.**
3. You are unwilling or unable to cease an argument when you are specifically directed to do so. Your inability to stop your relentless cycles of email, when you are explicitly directed to do so, is unacceptable. Your continued argument against the tide is unacceptable. **You will abide future directives to cease discussion.**
4. Your approach is too draining and highly unprofessional. Your arguing about your past performance and pretending not to understand plain English will not be tolerated further. Your email seeking "clarification" was not short and concise. Your attempts to argue each point contained in the Performance Expectations document (which is a very clear document) will not be entertained further. **You will improve your argumentative, rude and disrespectful communication style.** In particular, your arrival and departure emails will no longer contain the argumentative subject line ("In-out New system (Based on the document 09/28/2004 and clarification made by Mr. Graceffa on Sep. 30<sup>th</sup>)"). **You will behave professionally in the workplace.**



5. None of the above conduct is acceptable. You must improve on each of these points immediately. Your job is in jeopardy.

You are expected to demonstrate immediate, significant and sustained improvement in your performance improvement plan. Failure to show such improvement may subject you to further disciplinary action (up to and including termination) at any time during the plan period. In addition to meeting the plan objectives, you are expected to perform satisfactorily all other job duties. You must also continue to fulfill the plan requirements after the plan period has ended. Failure to sustain the level of performance required by the plan beyond the plan period may subject you to further disciplinary action (up to and including termination), without additional notice.

Effective Date of Action: October 26, 2004

EMPLOYEE REFUSED TO SIGN J. Graceffa 10/26/04

Employee Aataeldin Khirawi

  
Supervisor Ruby Miles

  
HR Representative Jamie Graceffa

Date

10/26/04

Date

10/26/04

cc: Personnel File